

**ZONE SCHEDULE**

**RULES, REGULATIONS, RATES, AND CHARGES APPLYING AT:**

**FOREIGN-TRADE ZONE NO. 230**

**Piedmont Triad Area of NORTH CAROLINA**

**Operating under granted authority by the Foreign-Trade Zones Board, Washington, D.C., to the Piedmont Triad Partnership**

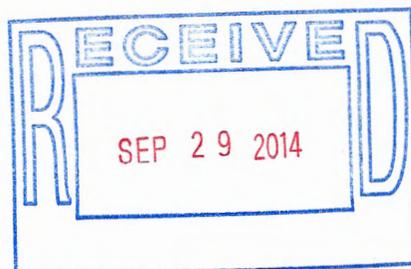
©2012

**Piedmont Triad Partnership**

**ISSUED: April 2012**

**EFFECTIVE: May 1, 2012**

**ISSUED BY: Piedmont Triad Partnership**



## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>i</b>
<b>ZONE GRANTEE</b> .....	<b>iii</b>
<b>DESCRIPTION OF FOREIGN-TRADE ZONE NO. 230</b> .....	<b>viii</b>
<b>SECTION I - APPLICATION OF RULES, REGULATIONS AND RATES</b> .....	<b>1</b>
Section I.0 – Application and Interpretation of Foreign-Trade Zone No. 230, Zone Schedule.....	1
Section I.1 – Regulations - Foreign-Trade Zones Board .....	1
Section I.2 – Regulations - U.S. Customs and Border Protection .....	1
Section I.3 – Public Utility Status .....	1
Section I.4 – Property Ownership .....	2
<b>SECTION II - OPERATION OF ZONE</b> .....	<b>3</b>
Section II.0–Activation.....	3
Section II.1–Boundary Modification .....	3
Section II.2–Construction of Buildings and Facilities Within a Zone.....	3
Section II.3–Deactivation .....	3
Section II.4–Disposition of Merchandise in a Zone.....	4
Section II.5–Exclusion from Zone of Goods or Process of Treatment/Grant Restrictions.....	4
Section II.6–Forms, Procedures and Operations in a Zone.....	4
Section II.7–Grant Sale/Conveyance, Transfer, Assignment, Etc. ....	4
Section II.8–Hours of Business and Service.....	4
Section II.9–Independent Contractor Status .....	4
Section II.10–Lapse/Sunset Provision .....	5
Section II.11–Manipulation, Manufacture, Exhibition of Merchandise .....	5
Section II.12–Merchandise Permitted in a Zone .....	6
Section II.13–Retail Trade Within Zone .....	7
Section II.14–Scope of Authority.....	7
Section II.15–Sponsor of New Zone or Subzone.....	7
Section II.16–Status of Merchandise in a Zone .....	7
Section II.17–Subsequent Importation of Zone Merchandise.....	7
Section II.18–Termination-Accrued Obligations/Survival.....	8
Section II.19–Termination-Bankruptcy.....	8
Section II.20–Termination-Conviction/Abandonment .....	8
Section II.21–Use of Zone by Carriers.....	9
<b>SECTION III - GENERAL RULES AND REGULATIONS</b> .....	<b>10</b>
Section VI.0–Agreements .....	10
Section VI.1–Charges .....	10
Section VI.2–Communication, Audits, Inspections and Requests for Information .....	10
Section VI.3–Confidential Relationship.....	10
Section VI.4–Foreign-Trade Zone Usage .....	11
Section VI. 5–Government Agencies.....	11
Section VI.7–Insurance .....	11
Section VI.9–Regulations - General.....	12
Section VI.10–Regulations - Zone .....	12
<b>SECTION VII - SPECIAL RULES PERTAINING TO MERCHANDISE... Error! Bookmark not defined.</b>	
Section VII.0–Abandonment, Arrearage, or Insolvency.....	13
Section VII.1–Bureau of Census Reporting .....	13
Section VII.2–Customs Bond .....	13
Section VII.3–Customs Inspection of Merchandise While in Zone .....	13

Section VII.4–Customs Permit .....	14
Section VII.5–Grantee Knowledge .....	14
Section VII.6–Handling of Merchandise .....	14
Section VII.7–Harbor Maintenance Fee-- .....	14
Section VII.8–Hazardous/Objectionable Commodities .....	14
Section VII.9–Indemnification .....	14
Section VII.10–Indemnity Bond.....	15
Section VII.11–Marking .....	15
Section VII.12–Merchandise Processing (User) Fee.....	15
Section VII.13–Permission to Manipulate, Manufacture, Exhibit, Repack or Destroy .....	15
Section VII.14–Record Deficiencies.....	16
Section VII.15–Record Retention.....	16
Section VII.16–Reports to Governmental Agencies .....	16
Section VII.17–Right of Entry.....	17
Section VII.18–Temporary Removal.....	17
Section VII.19–Trucking and Lighterage.....	17
<b>SECTION VIII – CHARGES .....</b>	<b>18</b>
Section VIII.0–Charges .....	18
Section VIII.1–Uniform Pricing .....	18
<b>GRANTEE CHARGES- Appendix A.....</b>	<b>19</b>

## **ZONE GRANTEE**

## **ZONE SCHEDULE**

**GRANTEE:**  
**Piedmont Triad Partnership**

## **GENERAL OFFICES**

### **Grantee Office:**

Piedmont Triad Partnership  
416 Gallimore Dairy Rd. Suite M  
Greensboro, North Carolina 27409

Ms. Penny Whiteheart  
336-580-4295

### **Operators:**

## **DESCRIPTION OF FOREIGN-TRADE ZONE NO. 230**

Pursuant to a Grant issued by the Foreign-Trade Zones Board, Washington D.C., as Board Order No. 956 on March 11, 1998, the Piedmont Triad Partnership, under provisions of the Foreign-Trade Zones Act (19 U.S.C. 81a-81u), Foreign-Trade Zone No. 230, has issued the following Zone Schedule on rules, regulations, rates and charges. The Piedmont Triad Partnership submitted an Alternative Site Framework Application, which was officially filed by the Foreign-Trade Zones Board as Docket [04]-2012 on January 19, 2012.

Foreign-Trade Zone No. 230, which is operated as a public utility under Foreign-Trade Zones Board Regulations, has offices located at 416 Gallimore Dairy Rd. Suite M, Greensboro, North Carolina 27409.

The zone has been expanded and Foreign-Trade Zone No. 230, located in Piedmont Triad, North Carolina, currently consists of 27 sites totaling approximately 4,300 acres in the Greensboro/Winston-Salem/High Point, North Carolina area.

The Zone consists of the following sites:

Site Number	Site Name and Address	Acreage
1	Lexington Business Center Hargrave Road and Business Interstate 5 Lexington, North Carolina (Davidson County)	164
2	Piedmont Triad International Airport Adjacent to U.S. 68 and U.S. 421 Greensboro, North Carolina (Guilford County)	2,722
3	Elon Place and Kivett Drive High Point, North Carolina (Guilford County)	47
4	Salem Business Park Interstate 40, U.S. Highway 52, and U.S. Highway 311 Winston-Salem, North Carolina (Forsyth County)	40
5	Westwood Industrial Park Adjacent to U.S. Highway 52 Mt. Airy, North Carolina (Surry County)	125
6	Piedmont Triad West (formerly Mt. Airy Industrial Park) McKinney Road Mt. Airy, North Carolina (Surry County)	373
7	SouthPoint Business Park 125 Quality Drive Mocksville, North Carolina (Davie County)	131
8	TST Logistics 533 North Park Avenue Burlington, North Carolina (Alamance County)	7
9	Piedmont Corporate Park National Service Road High Point, North Carolina (Guilford County)	107
10	Premier Center NC Highway 68, Premier Drive High Point, North Carolina (Guilford County)	149
11	Lowell's Run 4487 Premier Drive High Point, North Carolina (Guilford County)	21
12	TST Logistics 1941 Haw River Hopedale Road Haw River, North Carolina (Alamance County)	4
13	TST Logistics 821 West Center Street Mebane, North Carolina (Alamance County)	2
14	Old Dominion Freight Line, Inc. 100 Don Truell Lane Thomasville, North Carolina (Davidson County)	18
15	Union Cross Business Park 140 and 390 Business Park Drive Winston-Salem, North Carolina (Forsyth County)	36

Site Number	Site Name and Address	Acreage
16	Bull Ridge Bull Ridge Lot 1, Pleasant Ridge Road Greensboro, North Carolina (Guilford County)	55
17	311 F and 311 G Chimney Rock Road Greensboro, North Carolina (Guilford County)	16
18	Kivett Drive Industrial Park Kivett Drive and I-85 High Point, North Carolina (Guilford County)	110
19	TST Logistics 673 Gilmer Street Burlington, North Carolina (Alamance County)	2
20	Eagle Hill Business Park 4183, 4189, 4193, and 4197 Eagle Hill Drive High Point, North Carolina (Guilford County)	32
21	Federal Ridge Business Park 4300, 4328, 4336, 4344, 4380, and 4388 Federal Drive High Point, North Carolina (Guilford County)	39
22	Green Point Business Park 4500, 4501, 4523, and 4524 Green Point Drive High Point, North Carolina (Guilford County)	23
23	Gildan Industrial Park, Eden, NC	62
24	300 Forum Parkway, Rural Hall	17.4
25	350 Forum Parkway, Rural Hall	7.2
26	275 Northstar Drive, Rural Hall	21
27	555 Aureole St., Winston-Salem	15.8
28	Oracle Flexible Packaging	67.6
29	Sonoco Display and Packaging	14.2

In addition to the general-purpose zone sites, there have been four approved subzones included in FTZ No. 230:

**Foreign-Trade Subzone No. 230A - United Chemi-Con, Inc.** - A manufacturing plant located in Lansing (Ashe County), North Carolina. The plant consists of 211,000 square feet on 45 acres and is located at 185 McNeil Road, Lansing, North Carolina. The facility is used to produce aluminum electrolytic capacitors for export and the domestic market. (Application, 66 F.R. 33948, 06/26/01; subzone approved (Board Order No. 1202, 11/21/01) 66 F.R. 63216, 12/05/01).

**Foreign-Trade Subzone No. 230B - Unifi, Inc.** - 18-acre, 329,000 square foot facility consists of a melt monofilament spinning plant that produces polyester partially-oriented yarn for the U.S. market and export. The facility is located at 1641 Shacktown Road, Yadkinville, North Carolina. (Application,

62 F.R. 19546, 04/22/97; subzone approved (Board Order No. 913, 07/30/97) 62 F.R. 42745, 08/08/97). Subzone transferred from Subzone No. 66C to Subzone No. 230B. ((Board Order No. 1559, 05/20/08) 73 F.R. 31675, 06/03/08).

**Foreign-Trade Subzone No. 230C - Banner Pharmacaps, Inc.** - Manufacturing facilities located in High Point, North Carolina. The facility includes 2 buildings totaling 263,000 square feet on 51.3 acres, employs 500 people and is located at 4125 Premier Drive. The facility is used for the manufacturing of prescription pharmaceuticals. (Application, 73 F.R. 10421, 02/27/08; subzone approved (Board Order No. 1574, 09/02/08) 73 F.R. 54138, 09/18/08).

**Foreign-Trade Subzone No. 230D - Klaussner Home Furnishings** - A facility used to manufacture upholstered furniture. The facility employs 800 people, located at 405 Lewallen Road in Asheboro; Site 2 (76.4 acres) located at 4400 Highway 220 Business South in Asheboro; and Site 3 (52.5 acres) located at 468 East main Street in Candor, North Carolina. (Application, 74 F.R. 69329, 12/31/09; subzone approved (Board Order No. 1745, 02/18/11) 76 F.R. 11426, 03/02/11).

**Foreign-Trade Subzone No. 230E – VF Jeanswear** - A facility used to distribute apparel. The facility employs 800 people, and is located at 1401 U.S. Highway 601 South, Mocksville, North Carolina and consists of 71.67 acres. (Application, 76 F.R. 12022, 3/4/11; subzone approved (Board Order No. 1795, 10/24/11) 76 F.R. 67671-67672, 11/02/11).

## **DESCRIPTION OF FOREIGN-TRADE ZONE NO. 230**

Copies of this Zone Schedule are on file with the Foreign-Trade Zones Board, Washington, D.C. and U.S. Customs Port Director in Greensboro, North Carolina, and are available at the general offices of Foreign-Trade Zone No. 230 upon request.

More detailed guidance on U.S. Customs issues may be found in U.S. Customs FTZ Manual. A copy is maintained for review by the Foreign-Trade Zone Grantee.

Communications should be addressed to:

**Grantee Office:**

Piedmont Triad Partnership (Piedmont Triad Partnership)  
416 Gallimore Dairy Rd. Suite M  
Greensboro, North Carolina 27409

Ms. Penny Whiteheart  
336.580.4295

## **SECTION I - APPLICATION OF RULES, REGULATIONS AND RATES**

### **Section I.0 – Application and Interpretation of Foreign-Trade Zone No. 230, Zone Schedule**

The rules, regulations and rates of this Zone Schedule shall apply at Foreign-Trade Zone No. 230, its subzones, magnet sites, usage-driven sites, and annexes unless otherwise provided for. The Zone Grantee shall be the sole judge to interpret and determine the applicability of any of the rates, regulations or services provided for in this Zone Schedule. However, any matter involving interpretation or action by U.S. Customs or other agency of the U.S. Government will be determined by the Port Director of Customs, with the concurrence of the Foreign-Trade Zones Board. Where applicable, the Foreign-Trade Zones Board and U.S. Customs Regulations shall prevail should any conflict arise with this schedule.

### **Section I.1 – Regulations - Foreign-Trade Zones Board**

Foreign-Trade Zone No. 230 is regulated by the Foreign-Trade Zones Board, Washington, D.C., special regulations as defined in the U.S. Code of Federal Regulations, Title 15, Chapter IV, Part 400-Regulations of the Foreign-Trade Zones Board.

### **Section I.2 – Regulations - U.S. Customs and Border Protection**

Foreign-Trade Zone No. 230 is subject to special U.S. Customs regulations as defined in U.S. Code of Federal Regulations, Title 19, Chapter I, Part 146-Foreign-Trade Zones.

### **Section I.3 – Public Utility Status**

Pursuant to Foreign-Trade Zones Board Regulation, the zone must be operated as a public utility. All rates and charges for all services or privileges within the zone shall be fair and reasonable, and the Zone Grantee, Zone Administrator, and Zone Operator(s) shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments. (15 C.F.R. § 400.2(g)). The General-Purpose Zone contains buildings available for sale or lease, and open land suitable for construction, to ensure that the reasonable zone needs of the business community are being met. The buildings are equipped to provide storage, manipulation, manufacturing, and other office space for individual companies to act as their own Operator within their own facility. Additionally, there are buildings available, or land available for construction, that would accommodate a third party provider public warehouse building or buildings, making zone services available to those companies who did not wish to lease or purchase their own building, or physically handle their own merchandise while within the foreign-trade zone site. In this manner, the Grantee provides the community the opportunity for a wide range of firms to be accommodated under public utility principles.

## **SECTION I - APPLICATION OF RULES, REGULATIONS AND RATES**

### **Section I.4 – Property Ownership**

The Piedmont Triad Partnership may choose whether to seek to renew zone status at its discretion for a property if it is not activated within five (5) years as stated in a March 4, 2009 memorandum from Mr. Andrew McGilvray, Executive Secretary of the Foreign-Trade Zones Board. Zone status is a “privilege,” not a “right,” which is provided to Grantees only in the Foreign-Trade Zone Act. Property owners are not specifically included, and the Foreign-Trade Zones Board does not have the legal right to grant them the privilege of zone status.

## **SECTION II - OPERATION OF ZONE**

### **Section II.0–Activation**

Pursuant to regulations of the U.S. Customs, all or any portion of the zone approved by the Foreign-Trade Zones Board may be approved by the Zone Grantee and the Port Director of Customs for foreign-trade zone operations and for the admission, handling, and shipment for import or export of merchandise in zone status. All procedures of U.S. Customs shall be followed. (19 C.F.R. § 146.6).

### **Section II.1–Boundary Modification**

The Zone Grantee may submit to the Foreign-Trade Zones Board an Application to modify the boundary of an existing zone or subzone or add a new usage-driven site. The procedure is administrative at the Foreign-Trade Zones Board without a *Federal Register* notice. (15 C.F.R. § 400.26(c)). No fee is owed the Foreign-Trade Zones Board.

### **Section II.2–Construction of Buildings and Facilities Within a Zone**

The Zone Grantee may, with the approval of the Foreign-Trade Zones Board, permit other persons, firms, or corporations to erect buildings and other structures within the zone as will meet their particular requirements. The Foreign-Trade Zones Board statute and regulations contain certain requirements. All security related construction should be in accordance with U.S. Customs requirements and the building activated by U.S. Customs prior to use. As part of the activation process with U.S. Customs in Greensboro, a cargo-security survey or site visit will be conducted by U.S. Customs for each company that requests activation approval for its facility. For additional construction in a designated zone site, the Foreign-Trade Zones Board must be notified of all such construction in a general-purpose foreign-trade zone that was not approved in the original Application. Advanced notification is not necessary. Notification will occur with the Annual Report to the Board filed by the Piedmont Triad Partnership. If manufacturing authority within a general-purpose zone is requested, notification will occur with a Request for Manufacturing/Processing Authority or a Temporary or Interim Manufacturing Authority (T/IM) Request approved by the Foreign-Trade Zones Board. In a foreign-trade subzone, or general-purpose zone operation with manufacturing authority, all such construction not approved in the original Application must be approved by an Application to the Foreign-Trade Zones Board in advance of any zone activity. (19 U.S.C. §81m)(15 C.F.R. § 400.28(a)(6)).

### **Section II.3–Deactivation**

A Zone Operator may file a request with the Customs Port Director to deactivate all or a portion of an existing activated zone or subzone and shall cease to admit merchandise into the zone site in zone status. Final action and disposition of the merchandise must be made with the concurrence of the Customs Port Director.

## **SECTION II - OPERATION OF ZONE**

### **Section II.4–Disposition of Merchandise in a Zone**

In general, merchandise lawfully admitted to a zone may, in accordance with these and other regulations made under the provisions of the Act be sent into Customs territory of the United States, destroyed or exported. (19 C.F.R. § 146.71).

### **Section II.5–Exclusion from Zone of Goods or Process of Treatment/Grant Restrictions**

When it shall be reported to the Foreign-Trade Zones Board that any goods or process of treatment is detrimental to the public interest, health, or safety, the Foreign-Trade Zones Board shall cause such investigation to be made, as it may deem necessary. No operation or process of treatment will be permitted in the zone that in the judgment of the Foreign-Trade Zones Board or the Zone Operator is detrimental to the public interest, health, or safety. (15 C.F.R. § 400.31). Normally, the Foreign-Trade Zones Board issues a Grant Restriction by means of a Board Order governing such activity. Grant Restrictions are restrictions or conditions placed in a Grant or other approval by the Foreign-Trade Zones Board that may limit the zone status allowed, the kind of operation or the merchandise in a zone, the entry of merchandise into the commerce, the life of the Grant, or the amount of acreage allowed to be activated. See also the definition of Restricted Merchandise/Operations.

### **Section II.6–Forms, Procedures and Operations in a Zone**

The merchandise and operations permitted in a zone, the disposition of merchandise in a zone, the zone status of the merchandise and special provisions applicable to each status, compliance with requirements of other Federal Agencies, the subsequent importation of merchandise, the exportation of merchandise from a zone, and other operations in a zone authorized by the Act are all controlled by U.S. Customs Forms or forms of other Federal Agencies.

### **Section II.7–Grant Sale/Conveyance, Transfer, Assignment, Etc.**

The Foreign-Trade Zone Grant of Authority may not be sold, conveyed, transferred, set over, or assigned (FTZ Act, Section 17; 19 U.S.C. 81q). (15 C.F.R. § 400.28(a)(8)). Application may be made to the Foreign-Trade Zones Board to reissue a Grant under certain conditions.

### **Section II.8–Hours of Business and Service**

The Zone Operator shall prescribe hours of business and service, for U.S. Customs purposes.

### **Section II.9–Independent Contractor Status**

## **SECTION II - OPERATION OF ZONE**

Zone Grantee, Zone Administrator, Zone Operator, and any future Zone User are not and shall not be considered as joint venturers, partners, or agents of each other, and none shall have the power to bind or obligate the other except as set forth in any written agreements. Zone Grantee, Zone Operator, and any future Zone User agree not to represent to anyone that they are agents of one another or have any authority to act on behalf of one another except as set forth in any written agreements.

### **Section II.10–Lapse/Sunset Provision**

The grant of authority for every general-purpose zone or subzone may lapse if it is not activated and in operation within five years of the initial Foreign-Trade Zones Board Order issued after November 7, 1991. Detailed provisions apply. If a portion of any zone site is not activated within five (5) years of the establishment of the zone site, Grantee has the right to transfer zone status to another parcel of land adjacent to the Customs Port of Entry. Contact the Zone Grantee or Zone Administrator for a complete explanation. (15 C.F.R. § 400.28(a)(5)). All zone operators in general-purpose zone sites are subject to sunset provisions. A usage-driven site operator must demonstrate zone activity within three (3) years or lose zone status. If an operator is located in a magnet site, the operator or another operator in the magnet site must activate a portion of the magnet site within five (5) years. Failure to meet the sunset provisions will result in automatic deletion of zone status. The Piedmont Triad Partnership as Grantee will not be held liable for any difficulties this may create for an operator.

### **Section II.11–Manipulation, Manufacture, Exhibition of Merchandise**

In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the Act, be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign and domestic merchandise, or otherwise manipulated or be manufactured.

(a) Permission for any manipulation, manufacture, destruction, or exhibition in a zone shall be obtained from the Port Director of Customs subject to such application and procedure prescribed by the Secretary of the Treasury for the protection of the revenue by means of a CBPF 216.

(b) For manufacturing/processing, a second request must be made in advance to the Foreign-Trade Zones Board for manufacturing/processing operations. The Foreign-Trade Zones Board defines manufacturing/processing as any change in HTS classification. The Foreign-Trade Zones Board must approve all manufacturing operations. This includes certain “kitting” operations where there may be a change in HTSUS classification. Any new manufacturing/processing operation beyond the scope approved in the Grant of Authority must be authorized by the Foreign-Trade Zones Board. See generally 15 C.F.R. 400.28(a)(2). The Foreign-Trade Zones Board must be notified if sourcing changes occur with an approved manufacturing activity involving new foreign

## **SECTION II - OPERATION OF ZONE**

materials subject to quotas or inverted duty benefits. (15 C.F.R. §400.28(a)(3)). In a general-purpose zone, expedited action under fast-track procedure can be secured for previously approved manufacturing activity. (15 C.F.R. §400.32(b)(1)). In existing general-purpose zone sites and subzones, temporary or interim manufacturing authority may be secured in seventy-five (75) to ninety (90) days if the manufacturing activity is similar to previously approved manufacturing activity in previous applications to the Foreign-Trade Zones Board in the last five (5) years.

(c) In the event of the denial of any application by the Port Director for any reason, the applicant, the Zone Grantee, Zone Administrator, or the Zone Operator of the zone may appeal the adverse ruling. If any revenue protection considerations are involved in such an application, the Foreign-Trade Zones Board shall be guided by the determinations of the Secretary of the Treasury.

### **Section II.12—Merchandise Permitted in a Zone**

Foreign and domestic merchandise of every description, except such as is prohibited by law, may without being subject to Customs laws of the United States, except as otherwise provided in the Foreign Trade Zones Act and the regulations made thereunder, be admitted into a zone.

(a) Merchandise that is specifically and absolutely prohibited by law shall not be admitted into a zone. Any merchandise so prohibited by law that is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise. A distinction is made between (1) merchandise which is specifically and absolutely prohibited by law on the grounds of policy or morals, such as immoral or subversive literature, obscene articles, or lottery matter, and (2) merchandise which is subject to conditional prohibition only, for example, articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. Port Directors of Customs are required to exclude the first class of articles and may not permit them to be admitted to a zone if they are aware of their prohibited status, except that the Port Director may permit the temporary deposit of any such merchandise in the zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. See 19 C.F.R. § 146.31(a) and (b).

There is no prohibition against placing over-quota merchandise in a zone pending its right to transfer to Customs territory pursuant to the applicable quota provisions.

(b) The application for the admission of merchandise into a zone shall be approved or disapproved by the Port Director of Customs as the representative of the Foreign-Trade Zones Board on a CBPF 214.

## **SECTION II - OPERATION OF ZONE**

### **Section II.13–Retail Trade Within Zone**

No retail trade shall be conducted within a zone except under permits issued by the Foreign-Trade Zones Board. Duty paid and domestic merchandise may be sold in a foreign-trade zone under certain circumstances. Contact the Zone Grantee or Zone Administrator for more detailed information.

### **Section II.14–Scope of Authority**

Foreign-Trade Zone No. 230 is authorized by Foreign-Trade Zone Board Order Nos. 956 and 1514 to undertake the activities set out therein. The Foreign-Trade Zones Board must authorize all production and manufacturing activity that results in a change in the imported material's Harmonized Tariff Schedule of the United States classification. Any change in imported materials and finished products for such activity must also be authorized to only undertake those activities approved by the Foreign-Trade Zones Board. Zone Operator/User shall promptly notify the Zone Grantee or Zone Administrator of any activity requiring Foreign-Trade Zones Board notice and authorization.

### **Section II.15–Sponsor of New Zone or Subzone**

The Zone Grantee may in its sole discretion decide to sponsor a new zone or subzone project and forward an Application to the Foreign-Trade Zones Board. In order to make its determination, the interested party must submit, in letter form to the Grantee, sufficient data in summary form as required in an Application to the Foreign-Trade Zones Board. (15 C.F.R. § 400.24, 400.25). If the Zone Grantee decides to sponsor the proposed project, the Application must be prepared at the cost of the applicant.

### **Section II.16–Status of Merchandise in a Zone**

For the purposes of the Act and the regulations relating to this Section, all merchandise within a zone, except merchandise in transit through a zone as provided in U.S. Customs Regulations, and except merchandise temporarily transferred to a zone for manipulation under Customs supervision pursuant to Section 562, Tariff Act of 1930, as amended, shall be given a zone status on a CBPF 214 document. Any changes to the zone status must be made on a CBPF 214 and approved by the U.S. Customs. For definitions see Section I.

### **Section II.17–Subsequent Importation of Zone Merchandise**

Articles produced or manufactured in a zone and exported from there shall, on subsequent importation into the Customs territory of the United States, be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the Second Proviso of Section 3 of the Act, as amended, may, on such importation, be entered as

## **SECTION II - OPERATION OF ZONE**

American goods returned. (19 C.F.R. § 146.67(e)). Contact the Zone Grantee for more detailed information on this topic.

### **Section II.18–Termination-Accrued Obligations/Survival**

All Zone Operator/Users will specifically acknowledge and agree that, upon termination or expiration of tenancy in the foreign-trade zone for any reason whatsoever, Zone Operator/User shall not be released or relieved from fulfilling any and all of its obligations or duties which arose or accrued during the term of its zone usage, and Zone Operator/Users will specifically represent and warrant to Zone Grantee and Zone Administrator that upon termination or expiration of its zone usage for any reason whatsoever, Zone Operator/User shall completely perform and fulfill any and all of its obligations or duties which arose or accrued during the term of its zone use including the immediate preparation and filing of all necessary reports with the Grantee and the U.S. Customs. Specifically, the Zone Operator/User's indemnity obligations, bond obligations, and record and record retention obligations shall survive the termination or expiration of any Agreement and/or zone activity for any such reason. Zone Grantee may require the tender of all such records for safekeeping.

### **Section II.19–Termination-Bankruptcy**

The Foreign-Trade Zone activity or any rights hereunder shall not be subject to involuntary assignment, transfer or sale or to assignment, transfer or sale by operation of law in any manner whatsoever, and any such attempted involuntary assignment, transfer or sale shall be void and of no effect. Without limiting the generality of the foregoing, Zone Operator/User agrees that in the event any proceedings under the Bankruptcy Act or any amendment thereto be commenced by or against Zone Operator/User, and, if against Zone Operator/User, said proceedings shall not be dismissed before either an adjudication in bankruptcy or the confirmation of a composition, arrangement or plan of reorganization, or in the event Zone Operator/User be adjudged insolvent or make an assignment for the benefit of its creditors, or if a writ of attachment or execution be levied against any real or personal property owned or leased by Zone Operator/User within the Zone and be not released or satisfied within 15 days thereafter, or if a receiver be appointed in any proceedings or action to which Zone Operator/User is a party with authority to take possession or control of the business conducted thereon by Zone Operator/User and such receiver be not discharged within a period of 15 days after his appointment, any such event or any involuntary assignment may constitute a termination by the Zone Grantee of the use of the Zone without notice or any other action and also shall terminate all rights hereunder at the discretion of the Grantee organization.

### **Section II.20–Termination-Conviction/Abandonment**

Foreign-Trade Zone usage may be terminated if Zone Operator/User shall be convicted under any law of a felony as defined by such law; if the Foreign-Trade Zones Board or U.S. Customs should suspend or terminate Zone Operator/User or the activated

## **SECTION II - OPERATION OF ZONE**

status of the zone; or if the Zone Operator/User shall voluntarily abandon, desert, or vacate the premises or discontinue its operations. Zone Operator/User shall immediately provide all records and reports for Zone Grantee, the Foreign-Trade Zones Board, and the U.S. Customs.

### **Section II.21–Use of Zone by Carriers**

The loading or unloading areas of a zone are intended primarily for the use of vehicles unloading merchandise into the zone or loading merchandise from the zone, and their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue, or by the Foreign-Trade Zones Board, Zone Grantee, or Zone Administrator if found to interfere with the primary uses of the zone.

## SECTION III - GENERAL RULES AND REGULATIONS

### Section III.0–Agreements

All firms using the services of a Foreign-Trade Zone Operator must enter into an operating agreement with the Operator. All Foreign-Trade Zone or Subzone Operators must enter into an agreement with the Zone Grantee. If there is a conflict between the operating agreement and this Schedule, the agreement will prevail. Copies of the agreements are available from the Zone Grantee/Operator(s).

### Section III.1–Charges

- A. Government Agencies--**Charges made by government agencies are not included in this Zone Schedule and should be arranged by the Zone User or his agent with the government agency concerned.
- B. How Enforced--**For the purpose of enforcing the payment of charges named in this schedule on merchandise in the zone facilities, the zone may take possession of such merchandise, and remove and store same at the charge, risk, and expense of the owner or consignee thereof and/or may sell the goods by public auction, and/or pursue other remedies as may be provided by law.
- C. Service Charges--**Service fees may be charged on all accounts receivable at 30 days age, checks returned due to "insufficient funds" in an account, etc.
- D. When Payable--**Zone charges are due and payable as they accrue.

### Section III.2–Communication, Audits, Inspections and Requests for Information

Zone Operator/User shall inform Zone Grantee and Zone Administrator of any written or oral communication with the U.S. Customs, the Foreign-Trade Zones Board, and any other Federal Agency that involves the merchandise held in the zone with respect to zone activity. Zone Grantee must make all written submissions to the Foreign-Trade Zones Board with respect to Foreign-Trade Zone activity. The Zone Operator/User shall promptly notify Zone Grantee and Zone Administrator of any oral or written request for information, inspection, spot check, or audit of any kind from U.S. Customs or the Foreign-Trade Zones Board or other reports requested by any government agency and of any audit or investigation commenced by any government agency which directly concerns zone operations, and shall accompany such notification with copies of all letters, requests, reports and investigative documentation to Zone Grantee.

### Section III.3–Confidential Relationship

All foreign-trade zone documentation contains confidential business information that may not be copied or disclosed without the express written permission of the particular party in interest. All information shall be kept confidential except that which is

## **SECTION III - GENERAL RULES AND REGULATIONS**

required to be made public by the Foreign-Trade Zones Board or U.S. Customs. The Zone Operator is specifically required by 19 C.F.R. 146.4(d)(3) to maintain all transaction records confidential. This document contains trade secrets and commercial and financial information relating to the confidential business of private parties. The Trade Secrets Act (18 U.S.C. 1905) provides penalties for disclosure of such information.

### **Section III.4–Foreign-Trade Zone Usage**

Where applicable, Zone Operator agrees to place the following language in all lease/purchase agreements involving its referenced zone property:

The Premises are within Foreign-Trade Zone No. 230. If a purchaser, lessee, or tenant wishes to utilize the foreign-trade zone, it must enter into an appropriate Agreement with the Foreign-Trade Zone Grantee or Zone Operator as appropriate.

### **Section III. 5–Government Agencies**

Zone Operator/User must comply with all lawful regulations of U.S. or North Carolina government agencies. Besides the U.S. Customs, many U.S. agencies have specific laws that apply to the import and export of merchandise. The Zone Operator/User and its Customs Broker, if applicable, are responsible for assuring compliance. See also Regulations definition in Section I.

### **Section III.6–Governmental Licenses**

Zone Operators/Users are responsible to obtain, maintain, and keep current any and all licenses, permits, certificates or other authorizations required by any Federal, State, or local government that are or may be necessary in the conduct of business in or from the zone.

### **Section III.7–Insurance**

All Zone Operators/Users shall secure and maintain throughout the term of their zone tenancy insurance with requirements and limits as required by the Zone Grantee. Zone Operators/Users must furnish certificates of insurance evidencing the required coverage ten (10) business days prior to the commencement of operations. As appropriate insurance shall include statutory workmen's compensation, automobile liability, and general liability.

Zone tenancy may be terminated if, at any time, a Zone Operator/User fails to maintain the required insurance for any period of time or fails to comply with any of the insurance requirements. Detailed insurance requirements may be secured from the Zone Grantee/ Operator. Insurance is carried by Zone Operator on its own property only and does not include insurance on the contents stored therein. Zone User is obligated to bring

## **SECTION III - GENERAL RULES AND REGULATIONS**

nothing within the zone which will cause the cancellation or forfeiture of the insurance or affect the premium rate thereof on the building or buildings of which the leased premises forms a part. If applicable, a list of such materials is available in the office of the Zone Operator. Insurance on commodities or other property stored on the leased premises must be carried by and at the expense of Lessee or owner of the commodities or other properties. Merchandise stored, manipulated, or transferred within the zone is not insured by the Zone Operator, and the Zone Schedule rates do not include insurance on merchandise.

### **Section III.8–Public Interest, Health and Safety**

No operation or process of treatment will be permitted in the zone that, in the judgment of the Foreign-Trade Zones Board, Zone Grantee, Zone Administrator, or Zone Operator, is detrimental to the public interest, health and/or safety. Zone management reserves the right to refuse merchandise that would, in the opinion of the zone management, pose unusual or unacceptable problems or hazards to the zone. See also Restricted Merchandise/Operations in Section I. (15 C.F.R. § 400.31(a)).

### **Section III.9–Regulations - General**

All persons and merchandise of every description entering or leaving Foreign-Trade Zone No. 230 for any purpose whatsoever shall be bound by the lawful regulations of the Foreign-Trade Zones Board and by the Board Order issued thereunder, and U.S. Customs and actions of the Port Director of Customs.

Although zones are outside the Customs territory, most Federal laws apply in zones. The extent to which they apply or do not apply depends on their precise wording, their relationship to the Foreign-Trade Zones Act, and the interpretation thereof by the particular Federal Agency affected. State and local laws apply in zones except to the extent they are preempted or modified by Federal laws. The Foreign-Trade Zones Board and the Port Director of Customs cooperate with Federal, State, and local government authorities in the administration of their laws, regulations, and ordinances. The Zone Grantee, Zone Operator, and Zone Users shall allow such authorities access to the zone to carry out their duties. They are, however, subject to admission and departure requirements as noted herein.

### **Section III.10–Regulations - Zone**

The rules governing procedure within Foreign-Trade Zone No. 230 are issued in conformity with and supplementary to the Foreign-Trade Zones Board and U.S. Customs regulations and such other United States laws and regulations relating to the Port of Entry as are applicable to Foreign-Trade Zone Operations.

## **SECTION IV - SPECIAL RULES PERTAINING TO MERCHANDISE**

### **Section IV.0–Abandonment, Arrearage, or Insolvency**

If merchandise has been abandoned in the zone, or the person in whose account the merchandise is held in the zone apparently has absconded, is insolvent, or is in serious arrears in payments owed to the operator, the operator must take legal action under the laws of the state in which the zone is located to dispose of the merchandise. If the operator is authorized to sell the merchandise in public auction to recover a debt, the buyer will have title in the goods to dispose of them at his or her option. If the merchandise is to be entered for consumption the owner or purchaser will be held liable for any duties, taxes and deficiencies due. Auction sales will be conducted by the zone operator or representative thereof, and not by Customs or a Customs contractor.

### **Section IV.1–Bureau of Census Reporting**

Certain statistical information is necessary to be provided to the Bureau of the Census on all FTZ admission receipts. If provided to Customs, the CBPF 214A must be salmon or pink in color and be identified as “Statistical Copy”. (19 C.F.R. § 146.32(a)). The current CBPF 214 to be utilized is available from the Operator. U.S. Customs is responsible for transmitting the CBPF 214As to Census. The Operator may provide this data to the Bureau of the Census with an e-214 filing or it may be provided to U.S. Customs by completion of the CBPF 214A. The Bureau of the Census must receive the reports no later than the tenth calendar day following the month the merchandise was admitted to the Zone.

### **Section IV.2–Customs Bond**

A Customs and Border Protection Form 301, Activity Code 4, is utilized for the Foreign-Trade Zone Operator’s Bond. Provisions are set forth at 19 C.F.R. § 113.73. Any companies that will act as a foreign-trade zone operator must secure a foreign-trade zone operator’s bond in the name of their company.

### **Section IV.3–Customs Inspection of Merchandise While in Zone**

The Zone Operator/User or his agent shall at all times be immediately available to make the merchandise subject to inspection required by U.S. Customs and shall have the sole responsibility of opening crates and packages, handling the merchandise and securing the crates and packages following the inspection. In the event that the Zone Operator/User or his agent is not immediately available for inspection, then the zone personnel shall be authorized to open such packages for U.S. Customs and shall not be liable for any loss or damage for any reason whatsoever to the goods of the consignee. The Zone Operator/User shall be charged for such services at rates established. A list of said charges is available at Appendices B, C and D herein.

## **SECTION IV - SPECIAL RULES PERTAINING TO MERCHANDISE**

### **Section IV.4–Customs Permit**

Merchandise will not be delivered to or through Customs territory unless the delivery order is accompanied by: a CBPF 3461/7501 (entry for consumption); a CBPF 7512 (entry for transportation, immediate exportation, or transportation and exportation); or appropriate alternate procedures.

### **Section IV.5–Grantee Knowledge**

The Zone Grantee and Zone Administrator are not obligated to, and does not intend to, monitor the day-to-day activity of the Foreign-Trade Zone. The Zone Grantee and Zone Administrator shall have no knowledge, actual or constructive, of the quantity, character, status designation, identification, or time of admission, transfer, or release of goods into or from the Foreign-Trade Zone.

### **Section IV.6–Handling of Merchandise**

Zone Operator/User will be responsible for the receipt and verification of all merchandise admitted to the Zone on the proper Customs Forms and for handling of all merchandise having activity being performed under the proper Customs Forms. Zone Operator/User will perform all these functions according to all Customs Regulations that apply to these activities. Zone Operator/User will not allow removal of any merchandise located within the Zone without prior approval from Customs under the applicable laws, rules and regulations of the U.S. Customs.

### **Section IV.7–Harbor Maintenance Fee--**

The Water Resources Act of 1986 provides for a Harbor Maintenance Fee to be imposed for commercial use of Ports in the United States. All merchandise arriving at deepwater ports is subject to a fee of .125%. The Applicant for admission is liable for payment of the fee. The filing of the CBPF 349 quarterly is the responsibility of the Zone Operator/User or its Customs broker. The CBPF 350 is used for amendments or refunds.

### **Section IV.8–Hazardous/Objectionable Commodities**

The zone will not be required to accept for storage any commodity that will affect the rate of insurance on other merchandise in storage. Products will not be stored except in locations or areas that are not restricted in the acceptance of any commodity for storage under the insurance rate established on contents stored therein. The Grantee reserves the right to not allow certain merchandise to be stored, processed, or manufactured in the zone.

### **Section IV.9–Indemnification**

## **SECTION IV - SPECIAL RULES PERTAINING TO MERCHANDISE**

Zone Operator/User will protect, indemnify and hold harmless Zone Grantee and its respective Boards, officers and employees from and against any and all actions, suits, proceedings, claims, demands (including attorneys' fees and costs), whether insured or not, arising out of, or incident to, Zone Operator/Users obligations and operations hereunder. Zone Grantee/Zone Operator may require a bond at any time Zone Grantee/Zone Operator deems it necessary to adequately protect the parties indemnified hereby.

### **Section IV.10–Indemnity Bond**

Zone Users shall be required, upon notice by the Zone Operator, to post an indemnity bond executed by a U.S. surety on a form and acceptable to the Zone Operator, or other security, payable to the Zone Operator as a guarantee of payment of Customs duty or taxes or other obligations of or to the Zone Operator to protect past, present, or future obligations or liabilities of the Zone Operator.

### **Section IV.11–Marking**

All merchandise handled in the zone, before entry to Customs territory, must be marked in accordance with U.S. Customs regulations as to the country-of-origin and in accordance with all other government regulations. No merchandise will be permitted by Customs to be transferred from the zone for any purpose that is not properly labeled or carries any false or misleading label or mark. A CBPF 216 must be filed and approved by U.S. Customs prior to any repacking and labeling that may occur in the zone. A schedule of charges is included in appendices B, C and D of this Zone Schedule.

### **Section IV.12–Merchandise Processing (User) Fee**

The current Customs Merchandise Processing (User) Fee of .3464% ad valorem is applicable only to the value of foreign non-duty paid merchandise entered into the U.S. from a foreign-trade zone. In 1995, the North American Free Trade Agreement for Canadian NAFTA qualifying merchandise provides that the fee is zero, not .3464% as for all other imports. For Mexican NAFTA qualifying merchandise, the fee was eliminated June 30, 1999. It is collected on a Customs entry CBPF 7501. Merchandise that is exported, scrapped, etc. from the zone is not subject to the Merchandise Processing Fee. The fee has a minimum of \$25 and is capped at \$485 per entry.

### **Section IV.13–Permission to Manipulate, Manufacture, Exhibit, Repack or Destroy**

Before merchandise may be manipulated, repacked, manufactured, exhibited, or destroyed within the zone, application on CBPF 216 must be presented to the Zone Operator for concurrence. The Zone Operator will then forward the application to U.S. Customs. On approval by the U.S. Customs, the contemplated activity will then be permitted. The Zone Operator maintains a schedule of charges.

## **SECTION IV - SPECIAL RULES PERTAINING TO MERCHANDISE**

### **Section IV.14–Record Deficiencies**

In the event that any audit, inspection, or examination by the U.S. Customs, the Foreign-Trade Zones Board, Zone Grantee, Zone Administrator, or Zone Operator discloses that books, records or operational procedures of Zone Operator/User are not in conformance with the requirements of Federal, State and/or local law and the Operator's Agreement, the U.S. Customs, the Foreign-Trade Zones Board, Zone Grantee or Zone Operator may order the immediate correction of the documents or procedures. In the event that it is anticipated that such correction will take in excess of five (5) working days, a plan of performance will be submitted by the responsible party(s) to the Zone Grantee or Zone Operator for the correction of such discrepancy which shall be approved if necessary, by the Foreign-Trade Zones Board and the U.S. Customs, and shall proceed with all due diligence to correct the deficiency as described in the approved plan.

### **Section IV.15–Record Retention**

All financial and accounting records of Zone Operator/User concerning zone operations shall be retained for five (5) years after the act or occurrence recorded or after the merchandise covered by such records has been forwarded from the Zone, whichever is longer, and all such records shall be available for inspection and audit by any appropriate government agency and by Zone Grantee during normal business hours.

### **Section IV.16–Reports to Governmental Agencies**

The Zone Operator may be required to submit periodic reports to the Grantee and the U.S. Customs, or may be required to perform other acts as the Zone Operator of the zone in compliance with governmental regulations. Zone Users are required to and shall cooperate with the Zone Operator in the creation and maintenance of procedures, systems, regulations, or programs, and provide information and statistics that the Zone Operator considers necessary to ensure compliance with governmental requirements. The Zone Grantee must file an Annual Report to the Foreign-Trade Zones Board by the last business day in March on all activity that occurred in the zone during the previous calendar year (January 1 through December 31). Each Zone or Subzone Operator and Zone User must cooperate in providing the necessary data (15 C.F.R. § 400.46(d)). This data must be provided to the Grantee via input into the Foreign-Trade Zones Board Online FTZ Information System (OFIS) by no later than February 14 each year. An Annual Reconciliation and Annual Internal Review is required of each Foreign-Trade Zone or Subzone Operator. (19 C.F.R. § 146.25, 146.26). A certification letter acknowledging the Annual Reconciliation and Annual Systems Review have been completed must be forwarded to the Customs Port Director within ninety (90) days of the end of the Operator zone year.

## **SECTION IV - SPECIAL RULES PERTAINING TO MERCHANDISE**

### **Section IV.17–Right of Entry**

Representatives of the Zone Grantee, Zone Operator, Zone User, the Foreign-Trade Zones Board, U.S. Customs and other authorized U.S. Government officers, shall have the right of access to enter the Zone for the authorized and lawful purpose of examining same, conferring with Zone Operator/User, its agents, invitees, and employees on such premises, inspecting and checking operations, supplies, equipment and merchandise, and determining whether the business is being conducted in accordance with the procedures established for the operation and management of the zone.

### **Section IV.18–Temporary Removal**

Merchandise held in the zone may be temporarily removed from the zone for the limited purposes of repair, restoration, or any incidental operation which would not constitute a “manufacture or production” under drawback law, 19 U.S.C. 1313, and then returned to the zone. Application on a CBPF 216 must be presented to the Zone Operator and then to U.S. Customs for concurrence. See Customs Headquarters Ruling 214189 (August 31, 1982), Ruling 218458 (January 27, 1986), Customs Directive 3260-20 (August 4, 1986) and Section 9.2 of U.S. Customs FTZ Manual for a more detailed description of this limited provision.

### **Section IV.19–Trucking and Lighterage**

Transfer of foreign merchandise from the first Port of arrival through Customs territory to the zone and from the zone to the port of export must be made by Customs bonded trucks, rail cars, airplanes, lighters or other carriers and subject to U.S. Customs regulations. Alternate procedures for transfer of merchandise under the Foreign-Trade Operators Bond (see 19 C.F.R. § 146.40(b)), not on bonded carriers, may be available with Customs approval.

## **SECTION V – CHARGES**

### **Section V.0–Charges**

Each General-Purpose Zone Operator that makes its facilities available to multiple zone user firms is responsible for preparing and submitting to the Grantee an Appendix which sets out the rules, rates and charges at the zone site. Each Zone Operator assumes responsibility for maintaining a complete and current Zone Schedule. Each Zone Operator will provide an Appendix of their charges to the Grantee and any changes and/or revisions to the Appendix upon implementation. Additionally, firms utilizing the General Purpose Zone may act as their own Zone Operator. No other charges will be levied other than those in Appendices A-D. Under these circumstances, the zone sites will operate under the Rules and Regulations and Grantee Rates and charges as set out herein.

### **Section V.1–Uniform Pricing**

All customers having similar volume and circumstances will be afforded the same contractual terms.

## GRANTEE CHARGES

### APPLICATION, ACTIVATION, AND ANNUAL FEES--

(a) Foreign-Trade Zones Board Application Fees--Zone Applications submitted to the Foreign-Trade Zones Board must be accompanied with a check in the following amount, as required by 15 C.F.R. § 400.29:

- (1) Additional General-Purpose Zones (15 C.F.R. § 400.24 and 400.21 (a)(2))  
..... \$3,200
- (2) Special-Purpose Subzones (15 C.F.R. § 400.25)
  - (i) Non-manufacturing/processing or less than three products..... \$4,000
  - (ii) Manufacturing/processing three or more products..... \$6,500
- (3) Expansions (15 C.F.R. § 400.26(b)) ..... \$1,600

These fees are payable by the Zone Operator of the appropriate site as described in 1, 2, and 3 above. The Zone Grantee will not be liable for any such fees, nor shall they be liable for preparing the application, the applicant shall prepare the necessary paperwork for the application submittal with the Grantee's approval. Note that there are no fees payable to the Foreign-Trade Zones Board for Usage-Driven Applications, Boundary Modifications or Requests for Manufacturing/Processing Authority or Temporary or Interim Manufacturing (T/IM) Authority within a general-purpose zone; however, the Grantee charges an administrative review fee for assisting an applicant with a request for a boundary modification or expansion application, see (c)(2) below.

(b) U.S. Customs Activation and Annual Fee--These fees were suspended pursuant to the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203).

(c) The Zone Grantee charges each Zone Operator fees based upon services rendered. Fees may be adjusted from time to time by the Grantee by issuance of a correction to the Schedule.

(1) Annual Fee/Firms Acting as their own Operator – An administrative annual fee is charged by the Zone Grantee for each general-purpose zone and special-purpose subzone acting as their own Zone Operator. Operators with multiple sites will negotiate annual fees based on these rates.

The usual and customary fee amount is:

- For General-Purpose Zone/Subzones with Distribution Authority Only inside the ASF Service Area: \$10,000
- For General-Purpose Zone/Subzones With Manufacturing/Processing Authority inside the ASF Service Area: \$10,000
- For Subzones outside the ASF Service Area: \$10,000

## GRANTEE CHARGES

Dates payable, etc. are specified in the Operations Agreement between the Zone Grantee and Zone Operator of the General-Purpose Zone and/or Special Purpose Subzone. All fees are due January 1<sup>st</sup>. Fees will be prorated to the date of activation for the first year. There is a \$100/day fine for any past due Annual Reports.

- (2) Application Fee - An administrative review fee of \$3,500 shall be assessed to the applications requesting a minor boundary modification or manufacturing authority in the general-purpose zone or subzone status in Zone No. 230. Before an application is submitted to the FTZ Board, the Grantee shall approve such request and require the applicant to prepare the necessary paperwork as required by the FTZ Board for such requests.
- (3) Activation Fee—An initial activation fee of \$3,500 is charged by the Zone Grantee to each Zone Operator prior to commencing zone operations within the general-purpose zone. This fee shall be payable as reimbursement for administrative services provided by the Zone Grantee to assist the Zone Operator with the activation process with U.S. Customs and Border Protection. In the event an Operator activates a second site at a subsequent date a \$3,000 activation fee would be required as reimbursement for administrative services provided by the Zone Grantee to assist the Zone Operator with the activation process with U.S. Customs and Border Protection. If a company is included within a general-purpose zone application or subzone application that was activated within one (1) year of the application approval then this fee is waived.