

Whereas, pursuant to § 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, Therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 199C on behalf of Valero, is approved, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the petrochemical complex shall be subject to the applicable duty rate.
2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.10, #2709.00.20, #2710.11.25, #2710.11.45, #2710.19.05, #2710.19.10, #2710.19.45, #2710.91.00, #2710.99.05, #2710.99.10, #2710.99.21, #2710.99.45, and which are used in the production of:
 - petrochemical feedstocks (examiner's report, Appendix "C");
 - products for export;
 - and, products eligible for entry under HTSUS #9808.00.30 and #9808.00.40 (U.S. Government purchases).

Signed at Washington, DC, this 15th day of April, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1223]

Approval for Expanded Manufacturing Authority and Subzone Expansion; (Motor Vehicle Air-Conditioning Components), Foreign-Trade Subzone 39C, Sanden International (USA), Inc., Wylie, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, has requested authority on behalf of Sanden International (USA), Inc. (Sanden), operator of FTZ 39C, at the Sanden motor vehicle air-conditioner components manufacturing facility in Wylie, Texas, to expand the scope of authority to include new manufacturing capacity under FTZ procedures and requesting authority to expand the boundaries of Subzone 39C to include a new site in Dallas, Texas (FTZ Doc. 10-2001, filed 2-14-2001);

Whereas, notice inviting public comment was given in the **Federal Register** (66 FR 12460, 2-27-2001);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now therefore, the Board hereby approves the request, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 15th day of April 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

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DEPARTMENT OF COMMERCE

Foreign Trade-Zone Board

[Order No. 1216]

Grant of Authority for SubZone Status; BP Products North America, Inc. (Oil Refinery), Bellingham, WA Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19

U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, an application from the Port of Bellingham, Washington, grantee of Foreign-Trade Zone 129, for authority to establish special-purpose subzone status at the oil refinery complex of BP Products North America, Inc. (formerly Atlantic Richfield Company (ARCO)), in the Bellingham, Washington, area, was filed by the Board on January 25, 2001, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 7-2001, (66 FR 8930, 2/5/01); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 129A) at the oil refinery complex of BP Products North America, Inc., in the Bellingham, Washington, area, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.
2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.10, #2709.00.20, #2710.11.25, #2710.11.45, #2710.19.05, #2710.19.10, #2710.19.45, #2710.91.00, #2710.99.05, #2710.99.10, #2710.99.16, #2710.99.21, and #2710.99.45 which are used in the production of:

—petrochemical feedstocks and refinery by-products (examiners report, Appendix "C");

- products for export;
- and, products eligible for entry under HTSUS # 9808.00.30 and
- #9808.00.40 (U.S. Government purchases).

Signed at Washington, DC, this 15th day of April 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

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