DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

B–50–2015

Foreign-Trade Zone 281—Miami, Florida; Application for Expansion (New Magnet Site) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Miami-Dade County, grantee of Foreign-Trade Zone 281, requesting authority to expand its zone under the alternative site framework (ASF) adopted by the Board (15 CFR Sec. 400.2(c)) to include a new magnet site in Miami, Florida. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on August 4, 2015.

FTZ 281 was established by the Board under the alternative site framework on August 2, 2012 (Board Order 1844, 77 FR 47816, 8/10/2012). The zone currently has a service area that includes the northern half of Miami-Dade County and consists of the following sites (three magnet and thirty-one usage-driven): Site 1 (520 acres)—Dante B. Fascel Port of Miami, 1015 North America Way, Miami; Site 2 (423 acres, sunset 8/2/2022)—Flagler Logistics Hub, 6875 NW. 58th Street, Miami; Site 3 (419 acres, sunset 8/2/2017)—Flagler Station, 10505 NW. 112th Avenue, Miami; Site 4 (6 acres, sunset 10/31/2015)—Warehouse Division of World Terminal and Distributing Corporation, 2801 NW. 74th Avenue, Miami; Site 5 (8 acres, sunset 11/30/2015)—Dufry America Services Inc., 15801 NW. 29th Street #119, Miami; Site 6 (20 acres, sunset 5/31/2016)—CEVA Freight LLC, 5601 NW. 72nd Avenue, Miami; Site 7 (3.91 acres, sunset 9/30/2016)—TVA Automotive Inc., 2180 NW. 89th Place, Doral; Site 8 (4 acres, sunset 9/30/2016)—Dufry America Services Inc., 10300 NW. 19th Street, Suite 114, Miami; Site 9 (4.98 acres, sunset 9/30/2016)—Precision Trading Corp., 15800 NW. 48th Avenue, Miami Gardens; Site 10 (4.2 acres, sunset 11/30/2016)—CE North America LLC, 6950 NW. 77th Court, Miami; Site 11 (0.44 acres, sunset 6/30/2016)—Asimex Miami Forwarding, LLC, 8000 NW. 29th Street #118 and 8006 NW. 29th Street #119, Miami; Site 12 (18.07 acres, sunset 9/30/2016)—CEVA Freight LLC, 5601 NW. 72nd Avenue, Miami; Site 13 (3.91 acres, sunset 9/30/2016)—TVA Automotive Inc., 2180 NW. 89th Place, Doral; Site 14 (3.91 acres, sunset 9/30/2016)—Dufry America Services Inc., 10300 NW. 19th Street, Suite 114, Miami; Site 15 (4 acres, sunset 9/30/2016)—TVA Automotive Inc., 2180 NW. 89th Place, Doral; Site 16 (4.98 acres, sunset 9/30/2016)—Precision Trading Corp., 15800 NW. 48th Avenue, Miami Gardens; Site 17 (4 acres, sunset 11/30/2016)—Interport Logistics LLC, 12950 NW. 25th Street, Miami; Site 18 (2.26 acres, sunset 11/30/2016)—CE North America LLC, 6950 NW. 77th Court, Miami; Site 19 (5.28 acres, sunset 12/31/2016)—Hellmann Worldwide Logistics Inc., 10450 Doral Boulevard, Doral; Site 20 (2.27 acres, sunset 1/31/2017)—Miami International Freight Solutions, LLC, 14100 NW. 60th Avenue, Miami Lakes; Site 21 (1.004 acres, sunset 4/30/2017)—TVA Automotive Inc., 3515 NW. 113 Court, Doral; Site 22 (0.5094 acres, sunset 5/31/2017)—Export Group LLC, 10540 NW. 29 Terrace, Doral; Site 23 (7.34 acres, sunset 5/31/2017)—Schenker, Inc., 1000 NW. 133rd Avenue, Suite 105, Miami; Site 24 (1.19 acres, sunset 5/31/2017)—Everwell Parts, Inc., 10914 NW. 33rd Street, Suite 100, Miami; Site 25 (1.716 acres, sunset 10/31/2017)—Export Group LLC, 10540 NW. 29 Terrace, Doral; Site 26 (7.34 acres, sunset 5/31/2015)—Schenker, Inc., 1000 NW. 133rd Avenue, Suite 105, Miami; Site 27 (2.3 acres, sunset 11/30/2017)—Dependable Warehousing & Distribution, 2900 NW. 75th Street, Miami; Site 28 (13.12 acres, sunset 3/31/2018)—Perez Trading Company, 11400 NW. 32nd Avenue, Miami; Site 29 (3.05 acres, sunset 3/31/2018)—Perez Trading Company, 12300 NW. 32nd Avenue, Miami; Site 30 (2.16 acres, sunset 4/30/2018)—Neutralogistics, LLC, 8578 NW. 23rd Street, Miami; Site 31 (1.04 acres, sunset 4/30/2018)—Global Food Corp., 11450 NW. 122nd Street, Building A, Suite 400, Medley; Site 32 (1.828 acres, sunset 5/31/2018)—Floral Logistics of Miami, Inc., 3400 NW. 74th Avenue, Miami; Site 33 (7.68 acres, sunset 6/30/2018)—SDV USA Inc., 11250 NW. 122nd Street, Medley; Site 34 (7.68 acres, sunset 6/30/2018)—SDV USA Inc., 11250 NW. 122nd Street, Medley; Site 35 (0.204 acres, sunset 6/30/2018)—Miansis, Inc., 1800 N Miami Avenue, Miami.

The applicant is now requesting authority to expand its zone to include an additional magnet site: Proposed Site 31 (320 acres)—Beacon Lakes industrial park, 12200–12650 NW 25th Street,
Miami. The proposed new site is adjacent to the Miami Customs and Border Protection port of entry.

In accordance with the Board’s regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary at the address below. The closing period for their receipt is October 9, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 26, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the “Reading Room” section of the Board’s Web site, which is accessible via www.trade.gov/ftz. For further information, contact Camille Evans at Camille.Evans@trade.gov or (202) 482–2350.

Dated: August 4, 2015.

Elizabeth Whiteman,
Acting Executive Secretary.

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DEPARTMENT OF COMMERCE
Bureau of Industry and Security

In the Matter of: Peter Gromacki, 88 White Bridge Road, Middletown, NY 10940; Respondent; JEN Fibers, LLC, 88 White Bridge Road, Middletown, NY 10940; Performance Engineered Nonwovens, LLC, 88 White Bridge Road, Middletown, NY 10940; Related Persons

Order Denying Export Privileges

A. Denial of Export Privileges of Peter Gromacki

On November 26, 2013, in the U.S. District Court for the Southern District of New York, Peter Gromacki ("Gromacki"), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, et seq. (2006 & Supp. IV 2010)) (“IEEPA”). Specifically, Gromacki unlawfully, willfully and knowingly exported, and caused to be exported from the United States T700 carbon fiber, an item subject to the Export Administration Regulations, to China without obtaining the required approval from BIS. Gromacki was sentenced to three months of imprisonment, three years of supervised release, a $300 assessment, and a $5,000.00 criminal fine.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”) provides, in pertinent part, that “[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the EAA, the EAR, of any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).” 15 CFR 766.25(a); see also Section 11(h) of the EAA, 50 U.S.C. app. 2410(h). The denial of export privileges under this provision may be for a period of up to ten (10) years from the date of the conviction. 15 CFR 766.25(d); see also 50 U.S.C. app. 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security’s Office of Exporter Services may revoke any Bureau of Industry and Security (“BIS”) licenses previously issued in which the person had an interest in at the time of his conviction. BIS received notice of Gromacki’s conviction for violating the IEEPA, and has provided notice and an opportunity for Gromacki to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS received a submission from Gromacki. Based upon consideration of that submission, and consultations with BIS’s Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Gromacki’s export privileges under the Regulations for a period of ten (10) years from the date of Gromacki’s conviction.

B. Denial of Export Privileges of Related Persons JEN Fibers LLC and Performance Engineered Nonwovens, LLC

Pursuant to Sections 766.25(h) and 766.23 of the Regulations, the Director of BIS’s Office of Exporter Services, in consultation with the Director of BIS’s Office of Export Enforcement, may, in order to prevent evasion of a denial order, make a denial order applicable not only to the respondent, but also to other persons related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.

As provided in Section 766.23 of the Regulations, BIS gave notice to JEN Fibers, LLC (“JEN Fibers”) and Performance Engineered Nonwovens, LLC (“Performance Engineered”) that its export privileges under the Regulations could be denied for up to ten (10) years due to its relationship with Gromacki and that BIS believed that naming JEN Fibers and Performance Engineered as persons related to Gromacki would be necessary to prevent evasion of a denial order imposed against Gromacki. In providing such notice, BIS gave JEN Fibers and Performance Engineered an opportunity to oppose their addition to the Gromacki Denial Order as related parties.

Having received and reviewed a submission from Gromacki, I have decided, following consideration of that submission and consultations with BIS’s Office of Export Enforcement, including its Director, to include name JEN Fibers and Performance Engineered as Related Persons and make this Denial Order applicable to JEN Fibers and Performance Engineered, thereby denying their export privileges for ten (10) years from the date of Gromacki’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which JEN Fibers and Performance Engineered had an interest at the time of Gromacki’s conviction. The 10-year denial period is scheduled to end on November 26, 2023.

Gromacki is the owner of JEN Fibers and Performance Engineered and operates both businesses from his home. Therefore, JEN Fibers and Performance Engineered are related to Gromacki within the meaning of Section 766.23. BIS also has reason to believe that JEN Fibers and Performance Engineered should be added as a related persons in order to prevent evasion of this Denial Order.