

IMPORTANT INFORMATION ABOUT ZONE SCHEDULES

This zone schedule is being made available pursuant to 15 CFR 400.44(e), which states: “The Board shall make copies of zone schedules available on its Web site.”

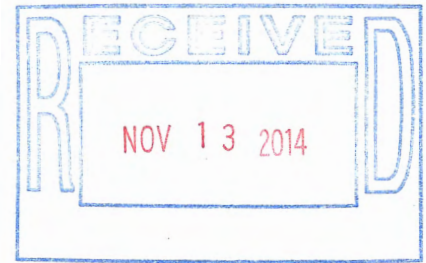
Availability of this zone schedule on the FTZ Board’s website does not imply that the FTZ Board has approved any rate/charge, policy or other content of this zone schedule. In particular, while the FTZ Board staff intends to conduct spot checks over time, zone schedules are not reviewed for compliance with the public utility requirement (19 U.S.C. 81n, 15 CFR 400.42) prior to making the zone schedules available via the Board’s website.

Pursuant to 15 CFR 400.44(b)(4), a grantee may not assess any specific rate or charge for which the amount – or formula for calculating the amount – does not appear in the zone schedule that the grantee has submitted to the FTZ Board.

Complaints about a grantee’s compliance with statutory and regulatory requirements related to public utility and uniform treatment – including rate or charge amounts/formulas, a grantee assessing a rate or charge amount/formula that does not appear in its zone schedule, and a grantee not affording uniform treatment under like conditions – may be presented to the FTZ Board under 15 CFR 400.45 (which also allows for complaints to be made on a confidential basis, if necessary).

Questions or concerns may be addressed to the FTZ Board staff at (202) 482-2862 or ftz@trade.gov.

Zone Schedule



Foreign-Trade Zone No. 201
Holyoke, Massachusetts

Holyoke Economic Development
and
Industrial Corporation



Effective: January 1, 2014

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TABLE OF CONTENTS

Introduction	3
I. Foreign-Trade Zone Overview	3
II. Grantee Authority	3
III. Zone Regulations, Rules and Policies	4
3.01 Foreign-Trade Zone Board Regulations	4
3.02 U.S. Customs and Border Protection Regulations	4
3.03 Application	4
3.04 Operator Agreement	4
3.05 Landowner Agreement	4
3.06 Activation	4
3.07 Right of Entry	5
3.08 Indemnification	5
3.09 Annual Reports	5
IV. Zone Schedule for Foreign-Trade Zone No. 201	6
Glossary of Terms - Appendix A	8

INTRODUCTION

The Holyoke Economic Development and Industrial Corporation (HEDIC) is a public entity created under Massachusetts General Laws, Chapter 121C is the Grantee for Foreign-Trade No. 201. The U.S. Foreign-Trade Zones Board granted authority to the HEDIC for Zone No. 201 on March 10, 1994 and HEDIC fulfilled FTZ Activation requirements on March 11, 1999.

The HEDIC recognizes that the Foreign-Trade Zone program is an economic development tool, whose purpose is to facilitate the creation and retention of jobs and capital investment in the United States.

The HEDIC as Grantee of FTZ No. 201 will make every effort to be supportive of expansion efforts, and is committed to maintaining the FTZ as a public utility, available to any organization which exhibits a strong business case for foreign-trade zone activity and is committed to becoming an activated site.

Determination of support for a proposed FTZ site will be made on the basis of:

- 1) The site being within 60 miles or 90 minutes driving time from the out limits of the Customs port Springfield, Massachusetts.
- 2) A need for Foreign-Trade Zone services is demonstrated through:
 - a) The commitment of an incoming or existing business to distribution through Foreign-Trade Zone operations.
 - b) The consent of the property owner to the Foreign-Trade Zone designation of the site.
 - c) The property owner and operator complete property/operating agreements with the Grantee.

I. Foreign-Trade Zone Overview

The Holyoke Economic Development and Industrial Corporation (HEDIC) holds the Grant of Authority for Foreign-Trade Zone 201, which primarily serves the City of Holyoke, Massachusetts as well as the limits of the Springfield, Massachusetts Customs port.

This zone was established through Foreign-Trade Zone Board Order #684 on March 10, 1994. This Grant of Authority is created through the Foreign-Trade Zones Board, which is comprised of the U.S. Secretary of Commerce and the U.S. Secretary of the Treasury. The Board is chaired by the Secretary of Commerce. The Commissioner of U.S. Customs and Border Protection also plays a key role, as it did prior to its move from Treasury to the Department of Homeland Security, providing a position during the FTZ Board voting process with respect to customs security, control, and resource matters. Foreign-Trade Zones, located in or near customs ports of entry, are secure areas under supervision of U.S. Customs and Border Protection (CBP) that are considered outside the customs territory of the United States for the purposes of duty payment.

II. Grantee Authority

The Holyoke Economic Development and Industrial Corporation (HEDIC) is a public entity created under Massachusetts General Law, Chapter 121C. HEDIC is empowered to develop, maintain, and operate foreign-trade zones under Massachusetts General Laws Chapter 23A § 3G and § 28A.

III. Zone Regulations, Rules and Policies

The rules, regulation and rates of this Zone Schedule shall apply to subzones, magnet sites, usage-driven sites and all other involved parties within Foreign-Trade Zone No. 201. The effective date of this schedule is set forth on the cover page. The HEDIC (Grantee) shall, in its sole discretion, interpret the rates, regulations or services of this schedule and determine the applicability of any of its provisions. The Grantee reserves the right to waive, prorate or modify any fee, if it is for the greater prosperity of the zone.

3.01 Foreign-Trade Zone Board Regulations

Foreign-Trade Zone No. 201 is subject to regulations of the Foreign-Trade Zone Board, as defined in 15 CFR Part 400.

3.02 U.S. Customs and Border Protection Regulations

Foreign-Trade Zone No. 20 is subject to regulations of the U.S. Customs and Board Protection, as defined in 19 CFR Part 146.

3.03 Application

In accordance with the Foreign-Trade Zones Board Regulations at 15 CFR Part 400, the HEDIC, as Grantee, must make application to the Foreign-Trade Zones Board for any and all requests to modify, in any form the existing structure of Foreign-Trade Zone No. 201. In addition, the HEDIC, as grantee, must sponsor applications for production notifications.

3.04 Operator Agreements

Before site activation with U.S. Customs and Border Protection, the Operator will be required to sign a Zone Site Operator Agreement. By signing this agreement, the operator accepts and assumes all and complete responsibility for the operation, management, and maintenance of the Site.

3.05 Landowner Agreements

Before an application for site designation is sent to the Foreign-Trade Zones Board, landowners will be required to sign a landowner/developer agreement. By signing this agreement, the landowner/developer accepts all of the responsibilities needed to maintain FTZ designation.

3.06 Activation

Operator agrees to seek and obtain approval of activation of the Site pursuant to U.S. Customs and Border Protection Regulations at 19 CFR Part 14, no later than one (1) year after the execution of the operator agreement, and prior to initiating any foreign-trade zone related operations. Operator shall give the HEDIC written notice prior to submitting the application for activation. The operator shall also furnish the HEDIC with a copy of Customs' letter or notice activating the site.

3.07 Right of Entry

Operator shall allow authorized representatives of the Foreign-Trade Zones Board, U.S. Customs and Border Protection, authorized United States government officials, HEDIC staff, and any authorized representative of the HEDIC to enter the site at any time during Operator's normal hours of operation.

3.08 Indemnification

FTZ site owners/operators agrees to protect, unconditionally indemnify and hold harmless the City of Holyoke, HEDIC, its Directors, employees, and agents from and against all liabilities, judgments, claims, losses, expenses and damages of whatever nature, including, but not limited to, any and all damages, duties, fines, penalties, taxes, charges or liquidated damages (incurred or paid by HEDIC to the U. S. Customs and Border Protection, or other regulatory agencies), interest, attorney's fees and other costs of litigation, whether absolute or contingent, whether directly or indirectly resulting from, arising out of, in connection with, or related to the operation of the Foreign-Trade Zone upon the General Purpose or Subzone Site and/or the performance by the operator of its duties and obligations as a General Purpose or Subzone Operator or pursuant to this Agreement. Operator shall defend, indemnify and hold harmless the City of Holyoke, the HEDIC, its members, officers, employees and agents from and against all claims, causes of action, suits, losses, damages, fines and expenses (including attorneys fees and costs of investigation and litigation) arising from or in connection with Operator's activities within the Premises, provided that Operator shall not be liable for any loss caused by the fault or negligence of the HEDIC. Without limiting the generality of the foregoing, it is understood that Operator recognizes that this indemnity includes within its coverage all claims and demands by any governmental agency, department or other entity including, without limitation, any claim or demand by Customs for any lost duty revenue. In the event that any claim or demand is asserted against the HEDIC in connection with the operation of the Premises, the HEDIC shall promptly notify Operator and shall provide Operator the opportunity to defend against such claim or demand. The foregoing express obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification and shall not be limited by any provision of insurance undertaken.

3.09 Annual Reports

Operator agrees to use the Online FTZ Information System ("OFIS"), as required by the FTZ Board, for submitting annual report data. The data in the annual report should be for the previous calendar year ending December 31st. The report must be submitted at least thirty (30) days prior to the date of HEDIC's annual report to the Board which is due on March 31st.

The Grantee is legally required to annually provide to the Foreign-Trade Zones Board an Annual Report. In the event that the Grantee does not file the Foreign-Trade Zones Board Annual report in the prescribed time frame, the Grantee may be subject to a fine for the late filing, or the incomplete filing of their annual report. Every activated operator is required to provide to the Grantee an annual report of foreign-trade zone activity in the format required by the Foreign-Trade Zones Board, no later than March 1st of each year, in order to enable the Grantee to fulfill their legal obligations to the Foreign-Trade Zones Board.

An additional fee of \$100 per calendar day will be invoiced if the data is not provided by the March 1st deadline. In addition, should the Grantee be fined for the late or incomplete filing of the Foreign-Trade Zone Annual report due to the un-timeliness of data received from an operator, those fines will be invoiced in addition to the late fees. Payment of late fees and/or accommodating penalties is expected within thirty (30) days of invoice date. Failure of payment may result in the suspension by the Grantee of foreign-trade zone activity for the operator.

IV: Fee Schedule for Foreign-Trade Zone No. 201

All fees are non-refundable and are to be paid prior to the Grantees sponsorship or submission of request. The Operator/User is responsible for obtaining and preparing all required documents associated with said request. The Grantee reserves the right to waive, prorate or modify any fee, if it is for the greater prosperity of the zone.

I. General-Purpose Site

- A. Application Fee**.....\$2,500
Fee covers the cost associated with the Grantee’s review of the prepared application (fee does not cover the development of the application).
- B. Grantee Activation Concurrence**.....\$1,000
Fee covers the Grantee expenses for the preparation and processing of the Operator Agreement, concurrence letter to U.S. Customs Service, and necessary support required in the activation process.

II. Subzone Site

- A. Application for Subzone Site Sponsorship**.....\$2,000
Fee covers the cost associated with the Grantee’s review of the prepared application (fee does not cover the development of the application).
- B. Grantee Activation Concurrence**\$1,000
Fee covers the Grantee expenses for the preparation and processing of the Operator Agreement, concurrence letter to U.S. Customs Service, and necessary support required in the activation process.

III. Annual Fees (Billed on November 1)

- A. General-Purpose Site**.....\$2,500-\$10,000
- B. Subzone Site**.....\$5,000
- V. Late Fees (see Section 3.09)**..... \$100/Calendar day

Appendix A

Glossary of Terms

Activation - Once a zone or subzone site is approved by the FTZ Board, an application must be made to the local CBP office, with the concurrence of the FTZ grantee, to operate the zone/subzone site (or portion thereof) under FTZ procedures. This CBP process is known as activation generally includes steps such as background checks, a written procedures manual, posting a bond with CBP, as well as a review of the security of the site(s) and the inventory control methods.

Activation Limit - The size of the physical area of a particular zone or subzone authorized by the Board to be simultaneously in activated status with CBP pursuant to 19 CFR 146.6. The activation limit for a particular zone/subzone is a figure explicitly specified by the Board in authorizing the zone (commonly 2,000 acres) or subzone or, in the absence of a specified figure, the total of the sizes of the approved sites of the zone/subzone.

Adjacency - According to Section 400.21, general-purpose zone sites must be within 60 miles or 90 minutes driving time of a U.S. Customs and Border Protection Port of Entry.

Admit, Admission - The U.S. Customs and Border Protection terms describing the shipment of merchandise into U.S. foreign-trade zones under CBP supervision (19 CFR 146.1).

Alternative site framework (ASF) - An optional approach to designation and management of zone sites allowing greater flexibility and responsiveness to serve single-operator/user locations. The ASF was adopted by the Board as a matter of practice in December 2008 (74 FR 1170, January 12, 2009; correction 74 FR 3987, January 22, 2009) and modified by the Board in November 2010 (75 FR 71069, November 22, 2010).

Articles Consumed - Interpretation of the FTZ Act holds that all materials to be consumed in manufacturing or processing operations within a zone must first be entered for consumption with duties paid.

Board - See **Foreign-Trade Zones Board**

CBP - U.S. Customs and Border Protection of the Department of Homeland Security

Deactivation - A previously activated general purpose zone or subzone site which no longer has local CBP authorization for activity under FTZ procedures.

Deleted - A site or portion of a site that once held zone status, but has been removed from the zone through an administrative minor modification by the FTZ Board staff or an FTZ Board application process.

Domestic origin/duty paid - Describes merchandise that is mainly of domestic origin but also includes foreign-origin merchandise on which customs entry and duty payments have been made prior to admission to the zone site.

Domestic status - Used synonymously with Domestic origin/duty paid (see above). Domestic status is the customs status (19 CFR 146.43) for domestic origin and duty paid foreign origin zone merchandise.

Entry for Consumption - The term that describes the general customs process of filing the appropriate CBP documents (including duty evaluation) that allows merchandise to be brought into the commerce of the U.S. (19 CFR 141). With respect to foreign-trade zones, this process occurs when merchandise is shipped from the zone into U.S. commerce.

Exports - The category of merchandise that is forwarded from zone sites to destinations in foreign countries.

Foreign-Trade Zone - (FTZ or zone) includes one or more restricted-access sites, including subzones, in or adjacent (as defined by Sec. 400.11(b)(2)) to a CBP port of entry, operated as a public utility (within the meaning of Sec. 400.42) under the sponsorship of a zone grantee authorized by the Board, with zone operations under the supervision of CBP.

Foreign-Trade Zones Board - Consists of the Secretary of Commerce (chairman) and the Secretary of Treasury, or their designated alternates.

Foreign Status - Describes zone merchandise admitted to a zone site under CBP supervision that is normally of foreign origin. Such merchandise is admitted to zone sites without being subject to formal customs entry procedures and payment of duties, unless and until the foreign merchandise enters customs territory for domestic consumption. Foreign status merchandise is further categorized by CBP as either Non-Privileged Foreign or Privileged Foreign

Forwarded - The category of merchandise that is shipped from or forwarded from zone sites after release by CBP. This category includes merchandise that is forwarded to destinations in the U.S. market as well as merchandise that is exported--that is, forwarded to markets in foreign countries.

Grant of Authority - A document issued by the Board that authorizes a zone grantee to establish, operate and maintain a zone, subject to limitations and conditions specified in this part and in 19 CFR part 146. The authority to establish a zone includes the responsibility to manage it.

Grantee - See **Zone Grantee**

Inactive - A general-purpose zone or subzone site that has been approved by the FTZ Board, but is not “**activated**” with CBP. No activity under FTZ procedures is occurring at an inactive site.

Lapse Provision - A grant of authority for a zone or a subzone shall lapse unless the zone project, or subzone facility, is activated, pursuant to 19 CFR Part 146, and in operation not later than five years from the date of the Board order.

Magnet site - A site intended to serve or attract multiple operators or users under the ASF.

Merchandise Received - Involves merchandise received into activated FTZ space under FTZ procedures by foreign-trade zones and subzones. It includes foreign status merchandise and domestic status merchandise.

Modification - A major modification is a proposed change to a zone that requires action by the FTZ Board; a minor modification is a proposed change to a zone that may be authorized by the Executive Secretary.

Non-Privileged Foreign (NPF) Status - One of the customs categories of foreign status merchandise (See 19 CFR 146.42). Such merchandise is evaluated based on its condition at the time it is shipped from the zone to the U.S. market and entered for consumption by CBP.

Operator - See **Zone Operator**

Person - Includes any individual, corporation, or entity.

Port of Entry - A port of entry in the United States, as defined by part 101 of the regulations of U.S. Customs and Border Protection (19 CFR part 101), or a user fee airport authorized under 19 U.S.C. 58b and listed in part 122 of the regulations of CBP (19 CFR part 122).

Privileged Foreign (PF) Status - One of the customs categories of foreign status merchandise (See 19 CFR 146.41). Such merchandise maintains its status based on its condition when it was admitted to the zone. Thus, when the merchandise is shipped from the zone to the U.S. market and entered for consumption by CBP, it is evaluated based on the time-of-admission condition even though it may have undergone a transformation in the zone.

Production - Activity involving the substantial transformation of a foreign article resulting in a new and different article having a different name, character, and use, or activity involving a change in the condition of the article which results in a change in the customs classification of the article or in its eligibility for entry for consumption.

Service Area - The jurisdiction(s) within which a grantee proposes to be able to designate sites via minor boundary modifications under the ASF.

Subzone - A site (or group of sites) established for a specific use.

Terminated - If a general purpose zone or subzone is no longer needed, the grantee can request that the FTZ Board remove zone/subzone designation. Upon such action by the FTZ Board, the zone or subzone is then considered terminated.

Usage-Driven Site - A site tied to a single operator or user under the ASF.

User - See **Zone User**

Zone - A foreign-trade zone (see above) established under the provisions of the FTZ Act and regulations.

The term also includes subzones, unless the context indicates otherwise.

Zone Grantee - The corporate recipient of a grant of authority for a zone project. The term "grantee" means "zone grantee" unless otherwise indicated.

Zone Operator - A corporation, partnership, or person that operates a zone or subzone under the terms of an agreement with the zone grantee (or third party on behalf of the grantee) with the concurrence of the Port Director of CBP.

Zone Restricted Status - Merchandise in this status is to be exported or destroyed. Zone-restricted status merchandise can be entered into U.S. customs territory only if the FTZ Board finds that entry would be in the public interest.

Zone Schedule - To be kept by the zone grantee, the zone schedule includes the internal rules and regulations of the zone, as well as a statement of the rates and fees charged to zone users.

Zone Site (Site) - A physical location of a zone or subzone. A site is composed 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.

Zone Status - Merchandise can enter the zone in either domestic or foreign status. Domestic status can include foreign status goods where the duty has been paid and the goods entered for consumption. Foreign status includes privileged foreign, non-privileged foreign and zone-restricted status.

Zone User - A party using a zone under agreement with a zone operator.

Source: *Foreign-Trade Zones Board. "Glossary of FTZ Terms." U.S. Foreign-Trade Zones Board. (<http://enforcement.trade.gov/ftzpage/grantee/glossary.html#user>)*

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