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January 14, 2015

Mr. Andrew McGilvray
Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce
1401 Constitution Avenue, NW
Room 21013
Washington, DC 20230

Re: Waiver Request

Dear ~~Mr. McGilvray~~ Andrew:

I respectfully submit the enclosed application for waiver on behalf of the Huntsville Foreign-Trade Zone Corporation (Huntsville FTZ Corporation) and the Foreign-Trade Zone (FTZ) Corporation. Please regard this letter as "Other information" pursuant to Item 7 of the waiver request questionnaire. Also note that the waiver application is submitted on behalf of both the Huntsville FTZ Corporation and the Foreign-Trade Zone Corporation because the shareholders and principals for each are the same individuals – that is, Craig Pool and Greg Jones.

As you know, we submitted a waiver application on September 27, 2013. In your May 30, 2014 letter which details the "approval" of our waiver application, certain "conditions" and "limitations" are described. As a practical matter, these limitations make the Board's decision the functional equivalent of a denial of our waiver request. This is the case, even as it applies to the purported "approval" of the FTZ Corporation's ability to provide its FTZ software product and services to zone participants. As I'm sure you will agree, no zone participant – or any other business – would be willing to invest in software of any kind if its use of that software might have to be abandoned by federal government fiat within five years or less. Accordingly, we have made the decision to change a core element of our FTZ Business Model – specifically, three-party Operator Agreements – in favor of two-party Agreements between our grantee organization and individual Zone Operators. This change has been made in order to enable us to provide our trade

community with a full range of options in their choice of providers of Zone-related services and products – including the choice of the Huntsville FTZ Corporation and/or the FTZ Corporation – and remain in compliance with the Board's new regulations.

However, as you have indicated in your letter of December 29, 2014, you believe that verification or review by a third party of our choice – specifically the Huntsville FTZ Corporation – of Operators' compliance with Customs regulations and/or review of proposed and ongoing FTZ processes appears to constitute the "key function" of "overseeing" the operations of zone participants on behalf of the grantee. I disagree. I believe that if the standard used to define the key function in question is "keep watch over, "subject to scrutiny," "inspect," or "examine," then one or more of those terms or words would appear in the Board's current regulations.

Nevertheless, in order to allow the Huntsville-Madison County Airport Authority to remove any question that it may call upon the Huntsville FTZ Corporation to verify and review prospective and ongoing FTZ operations and maintain the ability of the Huntsville FTZ Corporation and/or FTZ Corporation to provide professional Zone-related services to FTZ No. 83 Zone participants during the 12-month period prior to verifying or reviewing Zone participants' operations on our behalf, I am submitting the enclosed waiver request. I believe it is important for us to maintain these two elements of our Business Model that have proven effective for more than 20 years. Accordingly, this request is for a permanent, unconditional waiver that will enable us to maintain these two Business Model Elements. Please let me know if you have any questions.

Sincerely,

Richard Tucker
Executive Director

Enclosure

Questionnaire – Application for Waiver under 15CFR 400.43(f)

Identity of Applicant and Affected FTZ

1. State your name (individual or organization, as appropriate) as the applicant for a waiver.

This application is made by the Huntsville-Madison County Airport Authority on behalf of the Huntsville Foreign-Trade Zone Corporation and the Foreign-Trade Zone Corporation.

2. State the specific FTZ (zone number and city/state) to which your application pertains.

This application pertains to activities of Foreign-Trade Zone No. 83, located in Huntsville, Alabama. The grantee of the Zone project is the Huntsville-Madison County Airport Authority, a public corporation organized under the laws of the State of Alabama.

Key Functions (15 CFR 400.43(d)(1))

3. If your application for a waiver is approved, do you propose to:

a. Take action on behalf of the grantee of the FTZ identified in your response to Question 2, or make recommendations to that grantee, regarding the disposition of proposals or requests by zone participants pertaining to FTZ authority or activity (including activation by CBP)? If yes, explain fully. Explain the specific actions you propose to take, or the specific types of recommendations you propose to make, regarding the disposition of zone participants' proposals/requests.

No.

b. Approve, or be a party to, a zone participant's agreement with the grantee of the FTZ identified in your response to Question 2 (or person acting on behalf of that grantee) pertaining to FTZ authority or activity (including activation by CBP)? If yes, explain fully. Explain the specific types of agreement that you propose to approve, or to which you propose to be a party.

No.

c. Oversee zone participants' operations on behalf of the grantee of the FTZ identified in your response to Question 2? If yes, explain fully. Explain the specific oversight activities that you propose to conduct.

No/Yes, depending upon whom one asks. We are convinced that any request we make of our Zone Project Administrator to review the compliance of prospective or existing Zone Operators would not constitute "overseeing" zone participants' operations on our behalf; however, the Executive Secretary of the Board has indicated in recent correspondence that he believes the act of reviewing zone participants operations on our behalf in order to confirm or

review Customs compliance would constitute the performance of a "key function" under the Board's regulations. Accordingly, we are asking for a waiver so that these Business Model Elements can be performed by a professional organization of our choosing, even if that organization has provided Zone-related services or products within the previous 12 months to Zone participants of FTZ No. 83.

Key Categories of Persons (15 CFR 400.43(d)(2))[1]

4. For the FTZ identified in your response to Question 2, do you currently engage in, or have you during the preceding twelve months engaged in a) offering/providing a zone-related product/service to or b) representing a zone participant? If yes, explain fully. Describe the type of zone-related product/service you offered or provided, or the type of representation of zone participant(s) you undertook. How often have you done so? Also explain the importance – in terms of income derived and resources committed – of offering/providing zone-related products/services, or representing zone participants, for the FTZ identified in your response to Question 2.

Except under the authority granted by the waiver recently approved by the Board, neither the Huntsville Foreign-Trade Zone Corporation nor the Foreign-Trade Zone Corporation have engaged in providing such Zone-related services. However, this waiver request is submitted in order that the Huntsville Foreign-Trade Zone Corporation may make compliance assessments at the request of and on behalf of the Zone grantee within the 12-month period that follows any Zone-related services it may provide to Zone participants within our Zone project. For additional information, please refer to the response provided in our waiver request of September 27, 2013.

5. Do you stand to gain from a person's offer/provision of a zone-related product/service to, or representation of, a zone participant in the FTZ identified in your response to Question 2? If yes, explain fully (including an explanation of the nature and extent of the gain you may receive).

Please refer to the response provided in our waiver request of September 27, 2013.

6. With respect to the FTZ identified in your response to Question 2, are you related (within the meaning of 15 CFR 400.43(e)) to a) any person that currently engages in, or has during the preceding twelve months engaged in, offering/providing a zone-related product/service to or representing a zone participant or b) any person that stands to gain from a person's offer/provision of a zone-related product/service to or representation of a zone participant? If yes, explain fully.

Please refer to the response provided in our waiver request of September 27, 2013.

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[1] Although the questions in this section are written in the present tense, if you are seeking a waiver because you at some point in the future intend or expect to fall within one of the key categories of persons, then please answer these questions in the context of your intent or expectation.

7. Please provide any other information that you would like the FTZ Board to consider in evaluating your request.

Please see the accompanying letter of transmittal from Mr. Richard Tucker, Executive Director of the Huntsville- Madison County Airport Authority, Grantee of the FTZ No. 83 Zone project. Please note that this request is for a permanent, unconditional waiver that would allow the Huntsville Foreign-Trade Zone Corporation and/or the Foreign-Trade Zone Corporation to conduct reviews of applications to activate and compliance reviews on behalf of the Grantee, and also offer other Zone-related services and products, including FTZ software, to zone participants of the FTZ No. 83 Zone project.