

- *Email:*

*Public.comments@wdc.usda.gov.* Include Docket Number NRCS–2012–0004 or “comment on practice standards” in the subject line of the message.

- *Mail:* Comment Submissions, Attention: Verna Jones, Policy Analyst, Resource Economics, Analysis and Policy Division, Department of Agriculture, Natural Resources Conservation Service, George Washington Carver Center, 5601 Sunnyside Ave, Room 1–1112C, Beltsville, Maryland 20705.

All comments received will become a matter of public record and will be posted without change to <http://www.regulations.gov> including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Bogovich, National Agricultural Engineer, Conservation Engineering Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue SW., Room 6136 South Building, Washington, DC 20250.

Electronic copies of these standards can be downloaded or printed from the following Web site: <ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/federal-register/>. Requests for paper versions or inquiries may be directed to Wayne Bogovich, National Agricultural Engineer, Conservation Engineering Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue SW., Room 6136 South Building, Washington, DC 20250.

**SUPPLEMENTARY INFORMATION:** The amount of the proposed changes varies considerably for each of the conservation practice standards addressed in this notice. To fully understand the proposed changes, individuals are encouraged to compare these changes with each standard’s current version as shown at: <http://www.nrcs.usda.gov/technical/Standards/nhcp.html>. To aid in this comparison, following are highlights of the proposed revisions to each standard:

*Amendments for the Treatment of Agricultural Waste (Code 591)*—An additional purpose to reduce risk associated with the spread and contamination of pathogens was added. A subsection on system effects was added to limit the use of amendments to situations where the impacts of the altered waste stream on other parts of the manure management system have been identified and to assure that land application of treated manure would comply with the requirements of Conservation Practice Standard 590,

Nutrient Management. Other minor changes were made for style and clarity that did not change the technical substance of the standard.

*Building Envelope Improvement (Code 672)*—This is a new conservation practice standard for modification or retrofit of the building envelope of an existing agricultural structure.

*Fence (Code 382)*—Wildlife needs are now included under general criteria, being moved from the considerations section. This will ensure all fence design and placement is made with knowledge of potential impacts to local wildlife.

*Lighting System Improvement (Code 670)*—This is a new conservation practice standard for complete replacement or retrofitting of one or more components of an existing agricultural lighting system.

*Recreation Land Grading and Shaping (Code 566)*—There were minor changes to wording with changes to active voice and references added.

*Row Arrangement (Code 557)*—Added wording to Definition to be consistent with purpose, minor changes to wording with changes to active voice, and added references.

*Sprinkler System (Code 442)*—Changed name from “Irrigation System, Sprinkler” to “Sprinkler” to make the standard more applicable to other conservation measures that use sprinklers as part of solution (i.e., dust control). Other changes include shortening the section on center pivots and adding criteria for purposes other than irrigation.

*Tree/Shrub Site Preparation (Code 490)*—Only minor changes were made to the standard including editorial changes to the second purpose and the general criteria to improve clarity. Pest management issues are referred to the current Pest Management policy.

*Waste Separation Facility (Code 632)*—The name changed from Solid/Liquid Waste Separation Facility to Waste Separation Facility. Two purposes were removed and one was added to address manure handling. Additional separation methods (not inclusive) were added to the separation efficiency table. The practice will allow solid/solid separation such as poultry litter screening. Two new criteria sections were developed for Sand Separation and Reuse.

*Waste Treatment (Code 629)*—The conditions where practice applies was shortened and made more generic. A subsection on utilities was added to make the standard more consistent with other practice standards that could involve construction activities. The requirement for a minimum practice life

of 10 years was removed from the standard. Other minor changes were made for style and clarity that did not change the technical substance of the standard.

*Watering Facility (Code 614)*—The definition was modified to include watering ramps since the purpose of a watering ramp is to provide a watering facility for livestock and wildlife. Additional criteria for the use of tanks for water storage were added.

*Waterspreading (Code 640)*—Reworded purpose to be more in line with the new resource concerns. Other changes consist of cleaning up language in criteria and considerations section.

Signed this 15th day of November 2012, in Washington, DC.

**Dave White,**

*Chief, Natural Resources Conservation Service.*

[FR Doc. 2012–30158 Filed 12–13–12; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

**[B–87–2012]**

**Foreign-Trade Zone 75—Phoenix, Arizona 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 the City of Phoenix, grantee of Foreign-Trade Zone 75, requesting authority to expand its zone under the alternative site framework (ASF) adopted by the Board (15 CFR 400.2(c)) to include a new magnet site in Phoenix, Arizona. 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 December 7, 2012.

FTZ 75 was approved by the Board on March 25, 1982 (Board Order 185, 47 FR 14931, 04/07/82), and was expanded on July 2, 1993 (Board Order 647, 58 FR 37907, 07/14/93), on February 27, 2008 (Board Order 1545, 73 FR 13531, 03/13/08), and on March 23, 2010 (Board Order 1672). FTZ 75 was reorganized under the ASF on October 7, 2010 (Board Order 1716, 75 FR 64708–64709, 10/20/2010). The zone project currently has a service area that includes all of Maricopa County and portions of Pinal and Yavapai Counties, Arizona.

The current zone project includes the following magnet sites: *Site 1* (338 acres)—within the 550-acre Phoenix Sky Harbor Center and adjacent air cargo

terminal at the Phoenix Sky Harbor International Airport, Phoenix; *Site 2* (18 acres)—CC&F South Valley Industrial Center, 7th Street and Victory Street, Phoenix; *Site 3* (74 acres)—Riverside Industrial Center, 4750 W. Mohave Street, Phoenix; *Site 4* (18 acres)—Santa Fe Business Park, 47th Avenue and Campbell Avenue, Phoenix; and, *Site 5* (32.5 acres)—the jet fuel storage and distribution system at and adjacent to the Phoenix Sky Harbor International Airport, Phoenix. Since approval of the reorganization of the zone under the ASF, three usage-driven sites have been approved: *Site 6* (31.1 acres)—Western Digital, LLC, 1000–1100 East Bell Road, Phoenix; *Site 7* (5.7 acres)—Michael Lewis Company, 2021 East Jones Avenue, Phoenix; and, *Site 8* (9.47 acres)—The Gap, Inc., 2225 South 75th Avenue, Phoenix.

The applicant is now requesting authority to expand its zone project to include an additional magnet site: Proposed *Site 9* (155 acres)—Prologis Park Riverside, 3202 South 55th Avenue and 5555 West Lower Buckeye Road, Phoenix. The proposed new site is located within Phoenix, Arizona U.S. Customs and Border Protection Ports of Entry.

In accordance with the Board's regulations, Christopher Kemp 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 *February 12, 2013*. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to *February 27, 2013*.

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](http://www.trade.gov/ftz).

*For Further Information Contact:*  
Christopher Kemp at  
[Christopher.Kemp@trade.gov](mailto:Christopher.Kemp@trade.gov) or (202) 482-0862.

Dated: December 7, 2012.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2012-30220 Filed 12-13-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[11-BIS-0005]

#### **Entersys Corporation, with Last Known Addresses of: 1307 Muench Court, San Jose, CA 95131 and Plot No. 39, Public Sector, Employees Colony, New Bowenpally 500011, Secunderabad, India, Respondent; Final Decision and Order**

This matter is before me upon a Recommended Decision and Order ("RDO") of an Administrative Law Judge ("ALJ"), as further described below.<sup>1</sup>

#### **I. Background**

On July 11, 2011, the Bureau of Industry and Security ("BIS") issued a Charging Letter alleging that Respondent, Entersys Corporation, of San Jose, California and Secunderabad, India ("Entersys" or "Respondent"), committed sixteen violations of the Export Administration Regulations ("Regulations"),<sup>2</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) ("Act").<sup>3</sup> The Charging Letter included the following specific allegations:

#### **Charge 1 15 CFR 764.2(h)—Evasion**

In or about May 2006, Entersys engaged in a transaction and took other actions with intent to evade the provisions of the Regulations. Through false statements to a U.S. manufacturer and freight forwarder, Entersys obtained and exported to India

<sup>1</sup> I received the certified record from the ALJ, including the original copy of the RDO, for my review on November 2, 2012. The RDO is dated October 15, 2012. BIS timely submitted a response to the RDO, while Respondent has not filed a response to the RDO.

<sup>2</sup> The Regulations currently are codified at 15 CFR parts 730–774 (2012). The charged violations occurred in 2005 through 2007. The Regulations governing the violations at issue are found in the 2005 through 2007 versions of the Code of Federal Regulations. In addition, citations to Section 764.2 of the Regulations elsewhere in this Order are to the 2005–2007 versions of the Regulations, as applicable. For ease of reference, I note that the 2005–2007 versions of the Regulations are the same as the 2012 version with regard to the provisions of Section 764.2 cited herein. This proceeding was instituted in 2011. The 2012 version of the Regulations currently governs the procedural aspects of this case. The 2011 and 2012 versions of the Regulations are the same with respect to the provisions of Part 766 cited herein.

<sup>3</sup> Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 FR 49,699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*).

twenty square meters of ceramic cloth, an item subject to the Regulations, classified under Export Control Classification Number ("ECCN") 1C010, controlled for National Security reasons, and valued at \$15,460, without obtaining the required license pursuant to Section 742.4 of the Regulations. Entersys purchased the ceramic cloth from a U.S. manufacturer and arranged for the manufacturer to ship the item to a freight forwarder identified by Entersys, knowing that a license was required for the export of the ceramic cloth to India. On or about May 1, 2006, when Entersys asked that the U.S. manufacturer to ship the ceramic cloth to Entersys's freight forwarder instead of directly to Entersys, Entersys was informed by the manufacturer that the material "is a controlled commodity in terms of export to India," and the manufacturer asked Entersys for assurance and a "guarantee" that the ceramic cloth would not be exported to India. In response, also on or about May 1, 2006, Entersys stated, "This is not going out of USA." In addition, in arranging for the purchase from the U.S. manufacturer, Entersys asked the manufacturer not to put any packing list, invoice or certificate of conformance in the box with the ceramic cloth, but rather to fax the documents to Entersys. Entersys also arranged for its freight forwarder to ship the ceramic cloth to Entersys in India. Once the manufacturer shipped the ceramic cloth to the freight forwarder identified by Entersys, Entersys provided the freight forwarder with shipping documentation on or about May 2, 2006, including a packing list and invoice that falsely identified the ceramic cloth as twenty square meters of "used waste material" with a value of \$200. The ceramic cloth arrived at the freight forwarder on or about May 3, 2006, and was exported pursuant to Entersys's instructions to India on or about May 5, 2006. Entersys undertook these acts to facilitate the export of U.S.-origin ceramic cloth to India without the required Department of Commerce license and to avoid detection by law enforcement. In so doing, Entersys committed one violation of Section 764.2(h) of the Regulations.

#### **Charge 2 15 CFR 764.2(a)—Engaging in Prohibited Conduct by Exporting Ceramic Cloth to India Without the Required License**

On or about May 5, 2006, Entersys engaged in conduct prohibited by the Regulations by exporting to India twenty square meters of ceramic cloth, an item subject to the Regulations, classified under ECCN 1C010, controlled for National Security reasons and valued at \$15,460, without the Department of Commerce license required pursuant to Section 742.4 of the Regulations. In so doing, Entersys committed one violation of Section 764.2(a) of the Regulations.

#### **Charges 3–13 15 CFR 764.2(a)—Engaging in Prohibited Conduct by Exporting Electronic Components to a Listed Entity Without the Required Licenses**

On eleven occasions between on or about August 12, 2005 and November 27, 2007, Entersys engaged in conduct prohibited by the Regulations by exporting various