

the foreign-origin golf clubs and accessories that would be admitted to the proposed subzone for U.S. distribution. The application indicates that subzone status would help improve the facilities' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB-4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is November 2, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to November 17, 2004).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No.1 listed above and at the U.S. Department of Commerce Export Assistance Center, Suite 230, 6363 Greenwich Drive, San Diego, CA 92122.

Dated: August 27, 2004.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04-20152 Filed 9-2-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1349]

#### Grant of Authority for Subzone Status; Festo Corporation (Pneumatic Industrial Automation Products), Hauppauge, NY

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 FTZ 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 Suffolk County, New York, grantee of FTZ 52, for authority to establish special-purpose subzone status for the pneumatic industrial automation ("fluid power") components manufacturing facilities of Festo Corporation, in Hauppauge, New York, was filed by the Board on June 23, 2003, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 32-2003, 68 FR 39509, 7-2-2003); 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 were subject to restriction;

*Now, Therefore*, the Board hereby grants authority for subzone status at the pneumatic industrial automation ("fluid power") components manufacturing facilities of Festo Corporation, in Hauppauge, New York (Subzone 52A), at the locations described in the application, subject to the FTZ Act and the Board's regulations, including Section 400.28, and further subject to the following restrictions: (1) All foreign-origin steel mill products must be admitted under privileged foreign status (19 CFR 146.41) or domestic status (19 CFR 146.43); (2) All foreign-origin textile mill products must be admitted under privileged foreign status or domestic status; and, (3) Festo will submit supplemental annual report data for FTZ Staff monitoring purposes.

Signed at Washington, DC, this 27th day of August 2004.

**James J. Jochum,**

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

[FR Doc. 04-20155 Filed 9-2-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 39-2004]

#### Foreign-Trade Zone 163—Ponce, Puerto Rico Area; Application for Expansion/Time Extension

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Codezol, C.D., grantee of FTZ 163, requesting authority to expand FTZ 163, in the Ponce, Puerto Rico area, adjacent to the Ponce Customs port of entry. The application was submitted pursuant to the provisions of 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 filed on August 25, 2004.

FTZ 163 was approved on October 18, 1989 (Board Order 443, 54 FR 46097, 11/01/89) and expanded on April 18, 2000 (Board Order 1091, 65 FR 24676, 4/27/00). The zone project currently consists of the following sites in the Ponce, Puerto Rico, area: Site 1 (106 acres)—within the Port of Ponce area, including a site (11 acres) located at 3309 Avenida Santiago de los Caballeros, Ponce; Site 2 (191 acres, 5 parcels)—Peerless Oil & Chemicals, Inc. Petroleum Terminal facilities located at Rt. 127, Km. 17.1, Penueles; Site 3 (13 acres, 2 parcels)—Rio Piedras Distribution Center located within the central portion of the Quebrada Arena Industrial Park, and the Hato Rey Distribution Center located within the northeastern portion of the Tres Monjitas Industrial Park, San Juan; Site 4 (14 acres)—warehouse facility located at State Road No. 3, Km. 1401, Guayama (expires 10/1/04).

The applicant is requesting authority to expand the zone to include 2 additional sites (342 acres) in Ponce: Proposed Site 5 (256 acres, 34 parcels)—Mercedita Industrial Park located at the intersection of Route PR-9 and Las Americas Highway, Ponce; and, Proposed Site 6 (86 acres)—Coto Laurel Industrial Park located at the southwest corner of the intersection of Highways PR-56 and PR-52, Ponce. The sites are principally owned by the Port of Ponce, Vassallo Industries, Inc., and Desarrollos E Inversiones Del Sur, Inc. The applicant is also requesting permanent zone status for Site 4. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to