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 practices 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]

**BILLING CODE 3410–16–P**

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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...
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.3

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").2 issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) ("Act").3 The Charging Letter included the following specific allegations:

Charge 1 15 CFR 764.2(b)—Evading

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 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 informed 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...