

# Southern Currents



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## Notice to the Area Port of New Orleans Trade Community

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Date: December 5, 2011

No.: 12-002

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### **SUBJECT: Exportations to the Outer Continental Shelf**

On June 9, 2008, U.S. Customs and Border Protection (CBP) published a Federal Register notice (73 FR 32466, attachment 1), which informed the public that CBP would require compliance with its regulations pertaining to the mandatory, pre-departure electronic filing of export information through the AES as of September 30, 2008. Requirements can also be found in Title 19 CFR 192.14.

Shipments from the U.S. to vessels, drilling rigs, etc., located in international waters (i.e., waters located outside the U.S. territorial 12-mile limit that are not located within the territory of a foreign country) would be treated as an export from the United States, unless the vessel, drilling rig, etc., is attached to the U.S. outer continental shelf for exploration/production of natural resources. Additionally, vessels transporting merchandise to unattached vessels or facilities in international waters are required to clear if the export merchandise is required to clear pursuant to Title 19 CFR 4.60(e). Further clarification of the proper processing of such shipments was presented by the U.S. Census Bureau in FTR Letter No.3 (Revised) dated January 14, 2009 (attachment 2). The "Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information Final Rule" is also attached (attachment 3) for your reference.

The fact that the transaction would constitute an export doesn't necessarily mean that a license would be required. Generally, a license would not be required for a shipment to international waters if the vessel, platform, etc., as well as the item being exported, are under the control of a U.S. person or a foreign national of a country for which the item would not require a license.

Vessel owners, operators and authorized agents are reminded that the U.S. Census Bureau (Census) requires mandatory filing of export information through the Automated Export System (AES) or through *AESDirect* for all shipments that require a Shipper's Export Declaration.

Questions on this matter should be addressed to Port Director Michael Hebert at (985) 632-8187.

*Mark S. Choina*

Mark S. Choina  
Acting Area Port Director  
New Orleans, Louisiana

Dated at Rockville, Maryland, this 3rd day of June 2008.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8-12830 Filed 6-6-08; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 192

[CBP Dec. No. 08-20]

#### Mandatory Pre-Departure Filing of Export Cargo Information Through the Automated Export System

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** General notice of compliance.

**SUMMARY:** This notice informs the public of the date when U.S. Customs and Border Protection (CBP) will require compliance with its regulations pertaining to the mandatory, pre-departure electronic filing of export information through the Automated Export System (AES). CBP regulations at 19 CFR 192.14 setting forth requirements for the advance electronic filing of export information by vessel, air, truck, and rail carriers provide a compliance date contingent upon the redesign of CBP's AES commodity module and the effective date of Department of Commerce (DOC) regulations pertaining to mandatory electronic filing of export information. Since the redesign of the AES commodity module is complete, and the DOC regulations were published as a final rule on June 2, 2008, with an effective date of July 2, 2008, and an implementation date of September 30, 2008, the CBP regulations must be complied with starting September 30, 2008.

**DATES:** The compliance date for the CBP regulations pertaining to the mandatory, pre-departure electronic filing of export cargo information through the AES (19 CFR 192.14) is September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Gregory Olsavsky, Director, Cargo Control Division, Office of Field Operations, 202-344-1049.

**SUPPLEMENTARY INFORMATION:** On December 5, 2003, CBP published a final rule in the *Federal Register* (68 FR 68140) amending the CBP regulations pertaining to the filing of export cargo information through the AES (19 CFR, Part 192, Subpart B). Specifically, the

final rule added new § 192.14 to require (with a provision for exceptions) that vessel, air, truck, and rail carriers electronically file export cargo information through a CBP-approved electronic data interchange system (then and still the AES) and that such filing occur prior to departure from the United States for vessel and air carriers (24 hours for vessel carriers, two hours prior to scheduled departure time for air carriers) and prior to arrival at the border for truck and rail carriers (one hour for truck carriers, two hours for rail carriers). (The actual filing responsibility is imposed on the U.S. principal party in interest (USPPI), or its agent, representing the carrier.) These regulations were published pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Security Act (19 U.S.C. 2071 note). (See the published rule for a further discussion of these provisions and their underlying authorities.)

Under the 2003 CBP final rule (specifically, § 192.14(e)), the requirements of these regulations were set to be implemented upon the completion of the redesign of CBP's AES commodity module and the effective date of DOC regulations pertaining to mandatory electronic filing of export cargo information. The redesign of the AES is complete, and the DOC has recently published its regulations.

On June 2, 2008, the Bureau of the Census (U.S. Census Bureau or Census Bureau), DOC, published a final rule in the *Federal Register* (73 FR 31548) amending its Foreign Trade regulations to implement provisions of the Foreign Relations Authorization Act (FRA Act). Under the FRA Act, the Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Homeland Security, is authorized to publish regulations mandating that all persons required to file export information via a Shippers Export Declaration (SED) under chapter 9 of title 13, United States Code (13 U.S.C.) do so through the AES. Thus, under the final rule, the Census Bureau is requiring mandatory filing of export cargo information through CBP's AES (or through AESDirect, the Census Bureau's free Internet-based system) for all shipments: Vessel, aircraft, truck, and rail. (See the published rule for a further discussion of these provisions and their underlying authorities.) The publication of these DOC regulations and the effective date set forth in those DOC regulations trigger the effectiveness of the CBP regulations.

The effective date of the Census Bureau final rule is July 2, 2008, but the Census Bureau will not commence

implementation of the final rule's provisions until September 30, 2008. Accordingly, the compliance date for the CBP regulations pertaining to pre-departure electronic filing (through AES) of export cargo information, pursuant to 19 CFR 192.14(e), is the implementation date of the DOC final rule, September 30, 2008. After September 30, 2008, CBP will publish a technical amendment to the CFR amending § 192.14 to reflect the compliance date.

Dated: June 2, 2008.

Jayson P. Ahern,

Acting Commissioner, Customs and Border Protection.

[FR Doc. E8-12627 Filed 6-6-08; 8:45 am]

BILLING CODE 9111-14-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 372

[EPA-HQ-TRI-2007-0318; FRL-8577-1]

RIN 2025-AA22

#### Community Right-To-Know; Corrections and 2007 Updates to the Toxics Release Inventory (TRI) North American Industry Classification System (NAICS) Reporting Codes; Final Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is amending the regulations to make certain updates and corrections to the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2007 NAICS revision. EPA is making corrections to the list of NAICS codes subject to reporting under TRI that was published on June 6, 2006, in the final rule adopting NAICS for TRI reporting and is correcting a longstanding typographical error in the regulatory text.

**DATES:** This final rule is effective on August 8, 2008. Facilities will be required to report to TRI using 2007 NAICS codes beginning with TRI reporting forms that are due on July 1, 2009, covering releases and other waste management quantities for the 2008 calendar year.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-TRI-2007-0318. All documents in the docket are listed on the <http://www.regulations.gov> Web

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**FTR Letters**

January 14, 2009

**FTR Letter No. 3 (REVISED)**

**MEMORANDUM FOR** U.S. Customs Service Headquarters, Directors of Field Operations, Port Directors, Foreign Trade Zone Operators, U.S. Department of Commerce District Offices, U.S. Principal Parties in Interest, Freight Forwarders, Exporting Carriers, Consolidators, U.S. Customs Brokers, and All Others Concerned

**From:** William G. Bostic, Jr.  
 Chief, Foreign Trade Division (FTD)

**Subject:** Exports to International Waters

This letter clarifies the requirements in the Foreign Trade Regulations for filing electronic export information through the Automated Export System (AES) for exports to International Waters. Shipments from the United States to vessels, buoys, offshore installations (e.g., oil rigs or drilling platforms), etc. located in International Waters (i.e., waters that are outside U.S. territory or the territory of a foreign country, as described in the note below) are considered to be exports. Note that exports to International Waters that are known at the time of the export to be destined for a foreign country should be reported (and treated for licensing purposes) as exports to the foreign country.

Exports to International Waters that are licensed by the U.S. Bureau of Industry and Security (BIS) must be reported in the AES, regardless of value. All other exports must be reported in the AES when the commodity is valued more than \$2,500 per Schedule B number. Exports to International Waters must be identified in the AES using the new Export Information Code "IW."

When reporting "IW" for items that are being exported under a BIS license, the AES filer is required to report either license code C30 (license authorized by BIS) or C31 (special comprehensive license), a valid BIS license number, the Export Control Classification Number (ECCN), and the country of destination and ultimate consignee indicated on the license. When reporting "IW" for items that are being exported pursuant to a BIS license exception or No License Required (NLR), the country of destination to be reported is the nationality of the person(s) or entity assuming control of the item(s) subject to the Export Administration Regulations that are being exported. All other AES reporting requirements (License Type Codes and ECCNs) related to use of a BIS license, license exception and NLR remain the same. The AES filers may use any mode of transportation; however, vessel shipments must include one of the six "high seas" foreign ports listed in the Schedule K, Classification of Foreign Ports by the Geographic Trade Area and Country.

**FTD Web News**

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What is required for me to ship charity goods to Haiti?  
 From [GLOBAL REACH](#): "In order to facilitate the movements of these goods, we offer the following guidance that applies to any goods not requiring a license, such as food, clothing, and medicines." (January 22, 2010)

Foreign Trade has GLOBAL REACH  
 Foreign Trade has just created and published its official blog, "Global Reach." Visit it to discuss the Foreign Trade Regulations, Export Filing (AES), Trade Data, and other trade related topics. Posts are current and relevant to you as the filer, exporter, data user, or curious blog reader. (January 5, 2010)

FTZ: Guidelines for Submitting Statistical Data (PDF) (1.8 MB)  
 Guidelines and best practices for fulfilling FTZ's statistical reporting requirements are now available.

NEW EXPORT TRAINING VIDEOS!!!  
 - Training videos on topics such as the Foreign Trade Regulations, *AESDirect*, NAFTA, Taxes/Tariffs,

The U.S. Principal Party in Interest or its authorized agent must comply with this requirement. If you have questions, please contact the Regulations, Outreach, and Education Branch, FTD on 800-549-0595, option 3, or by e-mail using [FTDRegs@census.gov](mailto:FTDRegs@census.gov).

**NOTE:** U.S. territory includes the U.S. territorial sea, which extends 12 nautical miles measured from the baselines of the United States. A shipment made within the U.S. territorial sea would not be considered an "export." The U.S. territory also includes the continental shelf, which, in some cases, extends more than 12 miles from the baseline. As such, shipments to vessels, platforms, or buoys attached permanently or temporarily to the U.S. continental shelf also would not generally be considered exports. The territory of foreign countries would also generally include the territorial seas and continental shelf of those countries.

Commodities, etc. now available!

**2009 Constant Dollar Data**

- The Census Bureau identified a processing error that caused incorrect deflators to be applied to the revised data for 2009. The data have been corrected.

2009 DATA PRODUCT CHANGES

- U.S. Census Bureau will modify the structure of several data products to accommodate changing technology and user demand.

EXPORT COMPLIANCE SEMINARS AND WORKSHOPS

- The export environment has dramatically changed. Come and understand what it takes to remain compliant, aware and out of trouble.

**2003 AES Option 4 Moratorium**

Option 4 Filing Review Process Suspended

AES Compliance Best Practices:

Best Practices for maintaining AES Compliance are now available.

Related Party

Database Application: Time series RELATED PARTY data for specific commodities and countries.

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