

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date: June 24, 2013

No.: 13-009

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SUBJECT: Procedures for vessels that wish to depart the Port of New Orleans to await orders or to clean cargo holds.

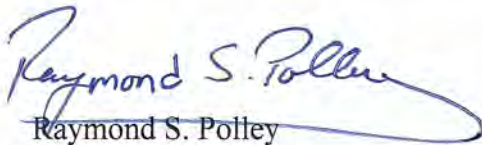
- Vessels departing the Port of New Orleans must obtain a CBP clearance for a foreign port, or a CBP permit to proceed to proceed coastwise to another U.S. Seaport as required by 19 CFR 4.60. Vessels that do not have orders may obtain a CBP clearance under procedures outlined in 19 CFR 4.61(f).
- Vessels that depart the Port of New Orleans, go beyond the territorial sea (three nautical miles out) to await orders or clean cargo holds have departed the United States for Customs purposes: **Reference 19 CFR 4.0(g).**
- Owners/Agents of vessels that depart the Port of New Orleans, go beyond the territorial sea (three miles out) to await orders or clean cargo holds, **and receive orders to proceed to another U.S. Seaport** should file a CBP Diversion Report (CBP Form 26) with the Port of New Orleans Marine Division. Once approved, the vessel is authorized to proceed to the next U.S. seaport. **Reference 19 CFR 4.91**
- Owners/Agents of vessels that depart the Port of New Orleans, go beyond the territorial sea (three miles out) to await orders or clean cargo holds, **and receive orders to proceed back to New Orleans** should follow the procedures below:
 - A vessel cannot divert back to the port that issued the clearance/permit to proceed.
 - The owner/agent will notify the CBP New Orleans Marine Division that the vessel is returning to port, and the original clearance or permit to proceed needs to be surrendered and cancelled. A new CBP Form 3171 Application – Permit – Special License – Unlading – Lading – Overtime Services {Lade Order} must be approved by CBP.
 - The owner/agent will report the arrival of the vessel back in port.

- **The vessel is not required to enter with CBP** unless the vessel has on board foreign merchandise for which entry has not been made, the vessel has visited a hovering vessel, or the vessel has delivered or received merchandise or passengers while outside the territorial sea. **Reference 19 CFR 4.3(a)**
- **The vessel is subject to the payment of tonnage taxes at the rate of 2 cents per net ton**, not to exceed the aggregate 10 cents per net ton in any one year, **Reference: 19 CFR 4.20(a)** (“... a regular tonnage tax ... shall be imposed at each entry ... on all vessels (except vessels of the U.S., recreational vessels, and barges, as defined in §2101 of Title 46) that depart a U.S. port or place and return to the same port or place without being entered in the United States from another port or place ...”)
- After conducting vessel operations in the Port of New Orleans the vessel will obtain another CBP clearance or permit to proceed to depart.

Mississippi River Southwest Pass (SWP) Anchorage:

- Since the Mississippi River Southwest Pass (SWP) Anchorage is *predominately* located within three (3) nautical miles, or inside the territorial sea, vessel movements from Mississippi River docks/anchorages to the SWP Anchorage **will be considered within port movements** (no clearance required). If the vessel departs or goes beyond the SWP Anchorage a CBP clearance or permit to proceed is required.
- If a vessel returns to a Mississippi River dock/anchorage from the SWP Anchorage (within port movement) the vessel is not subject to the payment of tonnage taxes.
- If the vessel agent or charterer changes, a new CBP Form 3171 Application – Permit – Special License – Unlading – Lading – Overtime Services {Lade Order} must be approved by CBP.

Please direct questions or issues to Chief CBP Officer Michael Ruiz at (504) 623-6651.



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