

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date: March 10, 2022

No: 22-009

SUBJECT: Area Port Guidance: OFAC Issues General License Authorizing Certain Transactions with Respect to Petroleum Importations from the Russian Federation

The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) has issued GENERAL LICENSE NO.16: “Authorizing Transactions Related to Certain Imports Prohibited by Executive Order of March 8, 2022, Prohibiting Certain Imports and New Investments with Respect to Continued Russian Federation Efforts to Undermine the Sovereignty and Territorial Integrity of Ukraine.” Part A of this general license states, “all transactions prohibited by Executive Order (EO) of March 8, 2022, Prohibiting Certain Imports and New Investments With Respect to Continued Russian Federation Efforts to Undermine the Sovereignty and Territorial Integrity of Ukraine, that are ordinarily incident and necessary to the importation into the United States of crude oil; petroleum; petroleum fuels, oils, and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin pursuant to written contracts or written agreements entered prior to March 8, 2022 are authorized through 12:01 a.m. eastern daylight time, April 22, 2022.”

IMPORTANT and FOR IMMEDIATE EFFECT:

CBP will therefore be requiring filers of entries or admissions to Foreign Trade Zones for shipments of crude oil; petroleum; petroleum fuels, oils, and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin to **provide purchase orders and/or executed contracts and/or any other documentation showing when the order and/or contract went into effect. Such documentation will be required through 12:01 a.m. eastern daylight time, April 22, 2022, after which General License No. 16 expires and EO issued March 8, 2022 takes full effect.**

The full general license can be accessed here
https://home.treasury.gov/system/files/126/russia_gl16.pdf

CBP intends to require this documentation prior to unloading of the conveyances and will place holds on both unloading and cargo pending verification of the required information. This information should be provided to CBP at the port of entry where the cargo is intended to be unloaded and should include conveyance information, bill of lading number(s) and entry number(s) or FTZ admission information. **CBP encourages the submission of the proof required under GL 16 as soon as possible, preferably prior to arrival, to prevent any undue delays at ports for qualifying shipments.** Additional contact information and process may be provided, and this guidance will be updated appropriately.

In addition, effective immediately, shipments of crude oil; petroleum; petroleum fuels, oils, and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin **are not authorized for direct delivery privilege** until further notice. **Admission via a CBP Form 214 or electronic equivalent will be required for the duration of this EO.**

CBP expects trade partners to continue to be proactive in identifying shipments subject to the EO and the General License and to provide appropriate documentation to ensure compliance.

Area Port of New Orleans Guidance:

- CBP Officers will place bill of lading/manifest **holds** on shipments of crude oil; petroleum; petroleum fuels, oils, and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin.
- CBP Officers will **not initially approve** a CBP 3171 Lade Order, denying Preliminary Entrance for vessels transporting shipments of crude oil; petroleum; petroleum fuels, oils, and products of their distillation; liquefied natural gas; coal; and coal products of Russian Federation origin **until the requested documentation** such as **purchase orders and/or executed contracts and/or any other documentation** showing when the order and/or contract went into effect **is submitted, and reviewed and approved by the CBP Port Director.**
- If the documentation provided on the shipments is approved, CBP Officers will remove the shipment bill of lading holds and approve the CBP 3171 Lade Order granting Preliminary Entrance on the vessel to enter port and unload.
- **Documentation should be provide to the Port of Entry along with the CBP 3171 Lade Order as soon as possible to allow ample time for CBP review and approval. This will minimize delays and reduce port congestion.**
- The New Orleans Marine Division Trade Enforcement Team [TET] is the primary contact to provide documentation and coordinate bill of lading holds and releases, CBP Form 3171 Lade Order approvals, and CBP Form 214 FTZ delivery in the Port of New Orleans.

- Contact the Ports of Morgan City, Gramercy, Baton Rouge and Lake Charles to coordinate bill of lading holds and releases, CBP Form 3171 Lade Order approvals, and CBP Form 214 FTZ delivery.
- CBP Form 3171 Lade Order processing procedures, along with contact information, is provided in Southern Currents 22-005, *attached as reference*.

This guidance will be updated as additional information becomes available. Questions regarding this trade notice should be directed to Assistant Port Director Mark Choina at mark.s.choina@cbp.dhs.gov or via telephone at (504) 670-2287.

Mark S. Choina

Mark S. Choina
Assistant Port Director
New Orleans, Louisiana

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date January 11, 2022

No.: 22-005

Supersedes Southern Currents No: 18-022

SUBJECT: **Updated** New Orleans Tri-Port Guidance on CBP Form 3171 Submissions

When submitting the CBP Form 3171, Application for Permit, Special License, Unlading, Lading, Overtime Services, to CBP for approval, vessel agents must ensure that the form is complete, accurate, and current. Erroneous forms submitted to CBP may be rejected and returned without approval. CBP Form 3171 must be approved prior to conducting any customs business.

CBP Forms dated prior to 2002, containing “Department of Treasury” in the heading, a DHS seal and/or manipulated for formatting purposes are NOT accepted CBP Forms. Current CBP forms may be found at <http://www.cbp.gov/newsroom/publications/forms>.

Completed lade orders must be faxed or emailed to the port listed on Line 2 for approval within the following timeline. Failure to submit the lade order by the deadlines specified below may result in penalty action.

Type of Cargo

In ballast
Containerized
Break bulk (nonexempt)
Bulk cargo (voyage more than 24 hours)
Bulk cargo (voyage less than 24 hours)
Break bulk cargo (exempt-voyage more than 24 hours)
Break bulk cargo (exempt-voyage less than 24 hours)

Time of filing 3171

48 hours prior to arrival
48 hours prior to arrival
48 hours prior to arrival
48 hours prior to arrival
Time of sailing
48 hours prior to arrival
Time of sailing

Port fax numbers and email addresses for CBP Form 3171 submissions are:

- New Orleans, LA (504) 670-2491 GMB.NewOrleansMarineDesk@cbp.dhs.gov
- Gramercy, LA (225) 869-8909 Gramercy-POE@cbp.dhs.gov
- Baton Rouge, LA (225) 389-0260 CBP-OFO-BatonRouge@cbp.dhs.gov

The following may be used as a guide when completing CBP Form 3171:

Line 1. Must contain the name and IMO number of the vessel.

- If the vessel is a tug or barge, please indicate such next to the vessel name.

Line 2. Must contain the first port, within the Tri-Port area (Baton Rouge, Gramercy, or New Orleans), where the vessel will conduct cargo operations.

Line 3. Must contain the nationality under which the vessel is registered.

Line 4. Must contain the name and nationality of the vessel owner or operator.

Line 5. Must contain the agent company name, agent's name submitting the application, fax number, and day/night contact numbers.

- In order to receive an approved CBP Form 3171 via fax, the correct return fax number or email address should be provided.

Line 6. Must contain the port and country from where the vessel is arriving (last port of call).

- Southwest Pass Anchor and LOOP are not ports from which a vessel may arrive.
- When submitting a CBP Form 3171 for "Clearance Only", Block 6 should contain the current CBP Tri-Port where the vessel is located, or 'High Seas' if the vessel traveled beyond Southwest Pass Anchorage.

Line 7. Must contain the **estimated** vessel **cross-in** date and time at the Mississippi River Southwest Pass [SWP].

- Please note that this date/time is an **estimate** of the vessel cross-in date/time at SWP, this is not the **actual** arrival time in port when the vessel first stops "comes to rest" at an anchorage or a dock along the Mississippi River. *19 CFR 4.0 (f)*
- This **estimated** vessel cross-in time does **not** constitute Vessel Report of Arrival in Port. *19 CFR 4.2 & 19 USC 1433*
- Vessel customs formal entry is required within 48 hours of **actual arrival** in port. *19 USC 1434*

Line 8. Must contain the location (dock or anchorage), including the *mile marker*, within the Tri-Port where the vessel will first conduct cargo operations.

- Additional locations where the vessel will be docked or anchored within the Tri-Port, must be listed in the continuation of block 8 on page 2 of CBP Form 3171, to include the *estimated date of arrival* for each location listed.

Line 9. Select the appropriate response.

- Section (5) "Other" must contain the name and bond number of the responsible party for the APIS transmission in the following format:

“For APIS compliance: — ABC Shipping — Bond number 777555222”

- All international carriers transporting passengers and/or crewmembers must obtain or have on file a valid international carrier bond set at the minimum amount of \$100,000 or greater, as deemed by the Port Director (Southern Currents, 09-017).

Line 10. Must contain the complete itinerary of the vessel by indicating the foreign port and country or port and if coastwise, with departure dates for each listed port. Listing of dock locations in this section is not accepted.

- If vessel is in-ballast, or only domestic cargo on board for export, indicate the last foreign port and all coastwise ports.
- If vessel is loaded with foreign cargo, identify the first foreign port where cargo and/or passengers were laden for discharge in the U.S. or foreign ports, or where repairs were made to a U.S. vessel.
- When submitting a CBP Form 3171 for "Clearance Only", Block 10 must list the foreign ports and countries in the itinerary indicating where the vessel will discharge the export cargo laden in the Tri-Port, including Southwest Pass Anchorage and/or 'High Seas' if the vessel is returning to the Tri-Port without conducting cargo or passenger/crew operations.

Line 11. Select the appropriate response.

- When selecting "Other", indicate '*In-ballast*', '*Export Cargo*', '*FROB*', or '*Repairs*'.
- For vessels carrying bulk commodities, an entry number for each bill of lading on file will be listed on the CBP Form 3171, unless exempt.

Line 12. Must contain all SCAC codes per cargo manifest (additional space is located on the second page of the CBP Form 3171 in Section #12.)

- For vessels arriving in ballast, UNKN as listed SCAC is permissible.
- Vessel's voyage number will be required in this block.
- Cargo operations start and stop dates and times for the location listed in block 8 are to be listed in this section. Other dock locations where cargo operations are to be conducted are to be listed in the continued #8 section of the second page of CBP Form 3171.

Line 13. Select appropriate response. *For Special License Applications ONLY.

- Cargo operations start and stop dates and times should not be listed.
- For "Owner's Agent Only": Select Other and indicate 'Crew Change'. Enter date and time of crew change (19 CFR 4.30).

Line 14. Bond # of responsible Vessel Agent Company.

Line 15. Leave Blank. For Term Applications only.

Line 16. Name of Principal on Bond listed in Block 14.

Line 17. Surety Code of Bond listed in Block 14.

Line 18. Value of Bond listed in Block 14.

Line 19. Effective Date of Bond listed in Block 14.

Line 20. Importer Number (Tax ID #) for Principal on Bond.

Line 21. Vessel Agent's complete Address.

Line 22. **ORIGINAL** signature of the Agent, with printed name. A typed name is not an acceptable signature.

- Vessel agents conducting customs business must have an original power of attorney on file with the customs office in which business is to be conducted (19 CFR 141, Subpart C).

Line 23. Date, is the original, on file date, the CBP Form 3171 is first submitted to CBP for review and approval. Reference the above timeline for compliance when submitting CBP Form 3171 to CBP for approval.

- “Owner’s Agent Only” CBP Form 3171 will not be accepted for approval once the vessel has filed for clearance.

The submission of a CBP Form 3171 does not constitute the report of arrival of a vessel (Reference Southern Currents **21-025**).

Any questions regarding this notice or CBP Form 3171 submissions should be directed to the supervisor or port director for the port listed in Block 2 of CBP Form 3171.

Supervisor/Port Director Phone Numbers:

- **New Orleans, LA (504) 670-2057**
- **Gramercy, LA (225) 869-3765 x 105**
- **Baton Rouge, LA (225) 389-0261 x 111**

Mark S. Choina

Mark S. Choina
Assistant Port Director
New Orleans, Louisiana