U.S. Customs and Border Protection

CBP Decisions

19 CFR Part 123

Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted through ACE Truck Manifest at Ports in the State of Alaska

[CBP Dec. 07–84]

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

ACTION: Final rule.

SUMMARY: Pursuant to section 343(a) of the Trade Act of 2002 and implementing regulations, truck carriers and other eligible parties are required to transmit advance electronic truck cargo information to Customs and Border Protection (CBP) through a CBP-approved electronic data interchange. In a previous document, CBP designated the Automated Commercial Environment (ACE) Truck Manifest System as the approved interchange and announced that the requirement that advance electronic cargo information be transmitted through ACE would be phased in by groups of ports of entry. This document announces that at all land border ports in the state of Alaska truck carriers will be required to file electronic manifests through the ACE Truck Manifest System.

DATES: Trucks entering the United States through land border ports of entry in the state of Alaska will be required to transmit the advance information through the ACE Truck Manifest system effective February 11, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. James Swanson, via e-mail at james.d.swanson@dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 343(a) of the Trade Act of 2002, as amended (the Act; 19 U.S.C. 2071 note), required that CBP promulgate regulations provid-
ing for the mandatory transmission of electronic cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation (sea, air, rail or truck). The cargo information required is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security and preventing smuggling pursuant to the laws enforced and administered by CBP.

On December 5, 2003, CBP published in the Federal Register (68 FR 68140) a final rule to effectuate the provisions of the Act. In particular, a new section 123.92 (19 CFR 123.92) was added to the regulations to implement the inbound truck cargo provisions. Section 123.92 describes the general requirement that, in the case of any inbound truck required to report its arrival under section 123.1(b), if the truck will have commercial cargo aboard, CBP must electronically receive certain information regarding that cargo through a CBP-approved EDI system no later than 1 hour prior to the carrier’s reaching the first port of arrival in the United States. For truck carriers arriving with shipments qualified for clearance under the FAST (Free and Secure Trade) program, section 123.92 provides that CBP must electronically receive such cargo information through the CBP-approved EDI system no later than 30 minutes prior to the carrier’s reaching the first port of arrival in the United States.

ACE Truck Manifest Test

On September 13, 2004, CBP published a notice in the Federal Register (69 FR 55167) announcing a test allowing participating Truck Carrier Accounts to transmit electronic manifest data for inbound cargo through ACE, with any such transmissions automatically complying with advance cargo information requirements as provided in section 343(a) of the Trade Act of 2002. Truck Carrier Accounts participating in the test were given the ability to electronically transmit the truck manifest data and obtain release of their cargo, crew, conveyances, and equipment via the ACE Portal or electronic data interchange messaging.

A series of notices announced additional deployments of the test, with deployment sites being phased in as clusters. Clusters were announced in the following notices published in the Federal Register: 70 FR 30964 (May 31, 2005); 70 FR 43892 (July 29, 2005); 70 FR 60096 (October 14, 2005); 71 FR 3875 (January 24, 2006); 71 FR 23941 (April 25, 2006); 71 FR 42103 (July 25, 2006); 71 FR 77404 (December 26, 2006); 72 FR 7058 (February 14, 2007); 72 FR 14127 (March 26, 2007); 72 FR 32135 (June 11, 2007), and 72 FR 53789 (September 20, 2007). The September 20, 2007 notice was the final test notice announcing the test in certain ports of Alaska: Alcan,
Dalton Cache, and Skagway. CBP has tested ACE at all of the ports for which testing was planned.

**Designation of ACE Truck Manifest System as the Approved Data Interchange System**

In a notice published October 27, 2006 (71 FR 62922), CBP designated the Automated Commercial Environment (ACE) Truck Manifest System as the approved EDI for the transmission of required data and announced that the requirement that advance electronic cargo information be transmitted through ACE would be phased in by groups of ports of entry.

ACE was phased in as the required transmission system at some ports even while it was still being tested at other ports. However, the use of ACE to transmit advance electronic truck cargo information was not required in any port in which CBP did not first conduct the test.

The October 27, 2006, document identified all land border ports in the states of Washington and Arizona and the ports of Pembina, Neche, Walhalla, Maida, Hannah, Sarles, and Hansboro in North Dakota as the first group of ports where use of the ACE Truck Manifest System is mandated. Subsequently, CBP announced on January 19, 2007 (72 FR 2435) that, after 90 days notice, the use of the ACE Truck Manifest System will be mandatory at all land border ports in the states of California, Texas and New Mexico. On February 23, 2007 (72 FR 8109), CBP announced that, after 90 days notice, the ACE Truck Manifest System will be mandatory at all land border ports in Michigan and New York. On April 13, 2007 (72 FR 18574), CBP announced that, after 90 days notice, the ACE Truck Manifest System will be mandatory at all land border ports in the states of Vermont and New Hampshire, and at the land border ports in North Dakota at which ACE had not been required by any previous notice. On May 8, 2007 (72 FR 25965), CBP announced that, after 90 days notice, the ACE Truck Manifest System will be mandatory at all land border ports in the states of Idaho and Montana. On July 18, 2007 (72 FR 39312), CBP announced that, again after 90 days notice, the ACE Truck Manifest System will be mandatory at all land border ports in the states of Maine and Minnesota, as well.

**ACE Mandated at Land Border Ports of Entry in Alaska**

Applicable regulations (19 CFR 123.92(e)) require CBP, 90 days prior to mandating advance electronic information at a port of entry, to publish notice in the Federal Register informing affected carriers that the EDI system is in place and fully operational. Accordingly, CBP is announcing in this document that, effective 90 days from the date of publication of this notice, truck carriers entering the United States through land border ports of entry in the state of
Alaska (Alcan, Dalton Cache and Skagway) will be required to present advance electronic cargo information regarding truck cargo through the ACE Truck Manifest System.

Although other systems that have been deemed acceptable by CBP for transmitting advance truck manifest data will continue to operate and may still be used in the normal course of business for purposes other than transmitting advance truck manifest data, use of systems other than ACE will no longer satisfy advance electronic cargo information requirements at the ports of entry announced in this document as of February 11, 2008.

**Compliance Sequence**

CBP has either required the use of ACE for the transmission of advance electronic truck cargo information, or provided 90 days notice that it intends to do so, at every land border port in which CBP has planned to require the use of ACE.

Dated: November 7, 2007

**General Notices**

**Notice of Availability and Public Open House**

**Announcement for the Draft Environmental Impact Statement for Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Border Patrol, Rio Grande Valley Sector, Texas**

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

**ACTION:** Notice of Availability.

**SUMMARY:** Customs and Border Protection (CBP) announces that a Draft Environmental Impact Statement (EIS) is available for public review and comment. Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. (NEPA), CBP has prepared a Draft EIS to identify and assess the potential impacts associated with the proposed construction, maintenance, and operation of tactical infrastructure, to include pedestrian fence, access roads, and patrol roads along approximately 70 miles of the U.S./Mexico interna-
tional border within the U.S. Border Patrol (USBP) Rio Grande Valley Sector, Texas (the Proposed Action).

DATES: The Draft EIS will be available for public review and comment on November 16, 2007 and all comments must be received by December 31, 2007.

A public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX. Each public open house will be held from 4:30 p.m. to 8:00 p.m. Please refer to the Supplementary Information section below for more information.

ADDRESSES: Copies of the Draft EIS can be downloaded by visiting www.BorderFenceNEPA.com, or https://ecso.swf.usace.army.mil/Pages/Publicreview.cfm, or requested by emailing: information@borderFenceNEPA.com. To request a hard copy of the Draft EIS, you may call toll-free 1–877–752–0420. Alternatively, written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886–1585; and fax: (757) 282–7697. Hard copies of the Draft EIS can be reviewed at the McAllen Memorial Library (601 N. Main St., McAllen, TX 78501, (956) 688–3300); Speer Memorial Library (801 E. 12th St., Mission, TX 78572, (956) 580–8750); Brownsville Public Library (2600 Central Blvd., Brownsville, TX 78520, (956) 548–1055); Rio Grande City Public Library (591 E. Canales St., Rio Grande City, TX 78582, (956) 487–4389); Weslaco Public Library (525 S. Kansas Ave., Weslaco, TX 78596, (956) 968–4533); Mercedes Memorial Library (434 S. Ohio Ave., Mercedes, TX 78570, (956) 565–2371); Harlingen Public Library (410 76 Dr., Harlingen, TX 78550, (956) 216–5802); and San Benito Public Library (101 W. Rose St., San Benito, TX 78586, (956) 361–3860).

FOR FURTHER INFORMATION CONTACT: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886–1585; and fax: (757) 282–7697.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2007, CBP published a Notice of Intent to Prepare an EIS in the Federal Register (72 FR 54276) for the Proposed Action. This EIS is being prepared to comply with NEPA; the Council on Environmental Quality regulations in 40 CFR Parts
The mission of CBP is to prevent terrorists and terrorist weapons from entering the U.S., while also facilitating the flow of legitimate trade and travel. In supporting CBP’s mission, USBP is charged with establishing and maintaining effective control of the border of the U.S. The purpose of the Proposed Action is to provide USBP agents with the tools necessary to strengthen their control of the U.S. border between Ports of Entry in the Rio Grande Valley Sector. The Proposed Action also provides a safer work environment and enables USBP agents to enhance response time.

The Proposed Action includes the installation of tactical infrastructure in 21 sections of fence along the international border with Mexico in the vicinity of Roma, Rio Grande City, McAllen, Progresso, Mercedes, Harlingen, and Brownsville, Texas. Individual fence sections would range from approximately 1 mile to more than 13 miles in length. For much of its length, the proposed tactical infrastructure would follow the existing U.S. Section International Boundary and Water Commission levee. The tactical infrastructure would cross multiple land use types, such as agricultural, rural, suburban, and urban. Impacted parcels are both publicly and privately owned. The Proposed Action would also encroach upon portions of the Lower Rio Grande Valley National Wildlife Refuge and Texas state parks in the Rio Grande Valley.

Two alternatives for the route for the tactical infrastructure are being considered under the Proposed Action - Route A and Route B. Route A is the route initially identified by USBP Rio Grande Valley Sector as meeting its operational requirements. Route B was developed through coordination with Federal and state agencies and incorporates input received through the public scoping period. The Route B alignment continues to meet current operational requirements with less environmental impact.

In addition to Routes A and B described above, an alternative of two layers of fence, known as primary and secondary fence, is analyzed in the EIS. Under this alternative, two layers of fence would be constructed approximately 130 feet apart along the same alignment as Route B and would be most closely aligned with the fence description in the Secure Fence Act of 2006, Public Law 109–367, 120 Stat. 2638, 8 U.S.C. 1701 note, 8 U.S.C. 1103 note. This alternative would also include construction and maintenance of access and patrol roads for USBP agents. The patrol road would be between the primary and secondary fences.

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border in the proposed project locations.
Public Open Houses

CBP will hold public open houses to provide information and invite comments on the Proposed Action and the Draft EIS. A public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX. Each public open house will be held from 4:30 p.m. to 8 p.m. Central Standard Time. Notifications of these open houses will be published in the Brownsville Herald, Valley Morning Star, The Monitor, La Frontera, and El Nuevo Heraldo one week prior to these open houses. USBP agents and Draft EIS preparers will be available during the open houses. Anyone wishing to submit comments may do so orally and/or in writing at the open houses. Comments received at the open houses will be recorded and transcribed into the public record for the meeting. Commentors must include their name and address. Spanish language translation will be provided. Those who plan to attend the public open house and will need special assistance such as sign language interpretation or other reasonable accommodation should notify the U.S. Army Corps of Engineers (see “FOR FURTHER INFORMATION”) at least 3 business days in advance. Include contact information, as well as information about specific needs. Those unable to attend may submit comments as described under “Request for Comments” below.

Request for Comments

CBP requests public participation in the EIS process. The public may participate by attending public open houses and submitting written comments on the Draft EIS. CBP will consider all comments submitted during the public comment period, and subsequently will prepare the Final EIS. CBP will announce the availability of the Final EIS and once again give interested parties an opportunity to review the document.

When submitting comments, please include name and address, and identify comments as intended for the Rio Grande Valley Sector Draft EIS. To avoid duplication, please use only one of the following methods:

(a) Attendance and submission of comments at the Public Open House meetings to be held December 11, 2007 at the McAllen Convention Center in McAllen, TX and December 12, 2007 at the Brownsville Events Center in Brownsville, TX.

(b) Electronically through the web site at www.BorderFenceNEPA.com

(c) By email to: RGVcomments@borderFenceNEPA.com

(d) By mail to: Rio Grande Valley Tactical Infrastructure EIS, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031

(e) By fax to: (757) 282–7697
Comments on the Draft EIS should be submitted by December 31, 2007.

Dated: November 8, 2007

ELAINE KILLORAN,
Acting Assistant Commissioner,
Office of Finance,
Customs and Border Protection.

[Published in the Federal Register, November 16, 2007 (72 FR 64663)]

19 CFR PART 122
USCBP–2007–0064
RIN 1651–AA41

Advance Information on Private Aircraft Arriving and Departing the United States

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

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document provides an additional 15 days for interested persons to submit comments on the proposed rule to amend the Customs and Border Protection (CBP) regulations pertaining to pilots of any private aircraft arriving in the United States from a foreign port or location or departing the United States for a foreign port or location. The proposed rule was published in the Federal Register on September 18, 2007, and the comment period was scheduled to expire on November 19, 2007.

DATES: Comments on the proposed rule must be received on or before December 4, 2007.

ADDRESSES: You may submit comments, identified by docket number, by one of the following methods:


Instructions: All submissions received must include the agency name and document number for this rulemaking. All comments received will be posted without change to www.regulations.gov, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to http://www.regulations.gov. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at The Office of International Trade, Customs and Border Protection, 799 9th Street, NW, 5th Floor, Washington, D.C. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.


SUPPLEMENTARY INFORMATION:

BACKGROUND

CBP published a notice of proposed rulemaking in the Federal Register (72 FR 53394) on September 18, 2007, proposing to amend the CBP regulations pertaining to private aircraft arriving in the United States from a foreign port or location or departing the United States for a foreign port or location. The proposed rule would require any pilot of a private aircraft to submit advance electronic information regarding each individual traveling onboard the aircraft no later than 60 minutes before the arriving private aircraft departs from a foreign location for the United States, and no later than 60 minutes before a private aircraft departs a United States airport or location for a foreign location. The proposed rule would also amend CBP regulations to add data elements to the existing notice of arrival requirements, add a notice of departure requirement, and clarify landing rights procedures.

The notice of proposed rulemaking invited the public to comment on the proposal. Comments on the proposed rule were requested on or before November 19, 2007.

EXTENSION OF COMMENT PERIOD

In response to the proposed rule published in the Federal Register, CBP has received correspondence from various parties request-
ing an extension of the comment period. A decision has been made to grant an extension of 15 days. Comments are now due on or before December 4, 2007.

Dated: November 9, 2007

SANDRA L. BELL,
Executive Director,
Regulations & Rulings,
Office of International Trade.

[Published in the Federal Register, November 14, 2007 (72 FR 64012)]

GENERAL NOTICE

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 6 2007)


SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of June 2007. The last notice was published in the CUSTOMS BULLETIN on June 27, 2007.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.


Dated: November 5, 2007

Charles Stuart for GEORGE McCRAY, Esq.,
Chief,
Intellectual Property Rights Branch.
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| CDP 07-00180 | 6/30/2007 | 6/30/2017 | Savonnerie Design: No. 5-193-1 | Renaissance Carpet &amp; Tapestries, Inc. | No |
| CDP 07-00195 | 6/30/2007 | 6/30/2017 | Savonnerie Design: No. 5-191-1 | Renaissance Carpet &amp; Tapestries, Inc. | No |
| TPK 07-00748 | 6/30/2007 | 10/30/2015 | Uncol | UNICOIL INTERNATIONAL LTD | No |
| TPK 07-00749 | 6/30/2007 | 10/30/2011 | Delphi | THERMO-COMPANY, LTD | No |
| CDP 07-00199 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 139-R | Renaissance Carpet &amp; Tapestry (RCT) | No |
| CDP 07-00166 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 139-I | Renaissance Carpet &amp; Tapestry (RCT) | No |
| CDP 07-00181 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 189 | Renaissance Carpet &amp; Tapestry (RCT) | No |
| PHK 07-00645 | 6/30/2007 | 3/16/2017 | 62X | AUTODROM CONVOY CORPORATION | No |
| PHK 07-00279 | 6/30/2007 | 10/22/2017 | The Floaty Suit | FUTURE PRODUCTS CORPORATION | No |
| CDP 07-00161 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 179G | Renaissance Carpet &amp; Tapestry (RCT) | No |
| TPK 07-00747 | 6/30/2007 | 7/1/2016 | Leipold | LEIPOLD &amp; STEVENS, INC. | No |
| PHK 07-00723 | 6/30/2007 | 11/5/2016 | Design | CELTIC PLC | No |
| CDP 07-00270 | 6/30/2007 | 6/30/2017 | Savonnerie Design: No. 5-191-B | Renaissance Carpet &amp; Tapestries, Inc. | No |
| PHK 07-00733 | 6/30/2007 | 1/14/2012 | THE CBOYS | CELTIC PLC | No |
| CDP 07-00155 | 6/30/2007 | 6/30/2017 | Aubusson Louis XIV: Style 21-A | Renaissance Carpet &amp; Tapestry, Inc. | No |
| CDP 07-00157 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 47 | Renaissance Carpet &amp; Tapestry (RCT) | No |
| CDP 07-00156 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 83 | Renaissance Carpet &amp; Tapestry (RCT) | No |
| CDP 07-00158 | 6/30/2007 | 6/30/2017 | Aubusson Weave: Design 92-R | Renaissance Carpet &amp; Tapestry (RCT) | No |
| PHK 07-00277 | 6/30/2007 | 12/2/2011 | Optopipe | Dialight Corporation | No |
| PHK 07-00274 | 6/30/2007 | 2/18/2017 | Lifa | HELLY HANSEN USA | No |
| PHK 07-00276 | 6/30/2007 | 5/22/2011 | Cloud | Dialight Corporation | No |
| PHK 07-00279 | 6/30/2007 | 11/14/2014 | Intellbld | Dialight Corporation | No |
| PHK 07-00730 | 6/30/2007 | 1/1/2015 | Spectramex | Dialight Corporation | No |</p>
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GENERAL NOTICE
COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 7 2007)


SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of July 2007. The last notice was published in the CUSTOMS BULLETIN on June 27, 2007.

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Dated: November 6, 2007

Charles Stuart for GEORGE MCCRAY, Esq.,
Chief,
Intellectual Property Rights Branch.
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SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of August 2007. The last notice was published in the CUSTOMS BULLETIN on June 27, 2007.

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Dated: November 7, 2007

Charles Stuart for GEORGE McCRAY, Esq.,
Chief,
Intellectual Property Rights Branch.
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GENERAL NOTICE

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 9 2007)


SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of September 2007. The last notice was published in the CUSTOMS BULLETIN on June 27, 2007.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.


Dated: November 8, 2007

Charles Stuart for GEORGE McCRAY, Esq.,
Chief,
Intellectual Property Rights Branch.
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Total Records: 267
Date as of: 10/2/2007
GENERAL NOTICE
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(No. 10 2007)


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Dated: November 9, 2007

Charles Stuart for GEORGE McCRAY, Esq.,

Chief,

Intellectual Property Rights Branch.
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