



Contact: Lisa B. Humber  
Lisa.humber@maritimedelriv.com  
267.974.0488  
www.maritimedelriv.com

## Summary

### “10+2” Notice of Proposed Rulemaking

### January 2, 2008

---

#### **STOW PLAN**

- Ships carrying exclusively bulk cargo exempted.
- Must be submitted not less than 48 hours after departure from last foreign port; if voyage < 48, hours, CBP must receive stow plan prior to arrival at first U.S. port.
- Data required:
  - Vessel Name
  - IMO #
  - Vessel operator
  - Voyage #
  - Container # (if containerized)
  - Equipment # (if containerized)
  - Equipment size and type (if containerized)
  - Stow position
  - Hazmat UN Code
  - Port of Lading
  - Port of Discharge
- Violations: liquidated damages of \$50,000 per vessel arrival for non-compliance.

---

#### **CONTAINER STATUS MESSAGES (CSMs)**

- Bulk and breakbulk ships exempted.
- To report terminal container movements and change in container status (e.g. empty or full)
- Required *“if the carrier creates or collects a SCM in its equipment tracking system reporting that event. The proposed regulation would not require a carrier create or collect any CSM data other than that which the carrier already creates or collects...”*.
- Must be submitted not later than 24 hours after the message is entered into the carrier’s equipment tracking system.
- Messages required when:
  - the booking is confirmed
  - the container undergoes a terminal gate inspection (at foreign port)
  - the container arrives or departs a facility (port, container yard, or other facility)
  - the container is loaded on or unloaded from a conveyance (ship, barge, truck, rail, feeder vessel, etc.
  - the vessel transporting the container departs from or arrives at a port
  - the container undergoes an intra-terminal movement
  - the container is ordered stuffed or stripped
  - the container is confirmed stuffed or stripped
  - the container is shopped for heavy repair.
- Other messages may also be transmitted rather than filtering the above.



### **Container Status Messages (cont).**

- Messages must be transmitted using either ANSI X.12 or UNEDIFACT and include:
  - Container number
  - Date/time of event
  - Status of container (empty/full)
  - Location where event took place
  - Vessel ID associated with message
- Violations: liquidated damages of \$5,000 for each violation (max. \$100,000 per vessel arrival).
- *NOTE: Penalties for violations of the advance cargo manifest information requirements would be changed to be consistent with those for the CSMs.*



### **IMPORTER SECURITY FILING**

- Bulk cargo exempted.
- Importer is "party causing goods to arrive within the limits of a port in the U.S."
  - For foreign remaining on board (FROB), importer = carrier.
  - For immediate exportation (IE), transportation & exportation (T&E), and Foreign Trade Zone (FTZ) entries, importer = party filing the documentation.
- Other than FROB cargo, must be submitted no later than 24 hours before cargo is loaded at foreign port.
- FROB cargo data must be submitted any time prior to loading at foreign port.
- Required at lowest bill of lading level (e.g., house bill, if applicable)
- One security filing can satisfy multiple bills of lading
- For other than FROB, IE, and T&E, data elements required include:
  - Manufacturer (supplier) name & address
  - Seller name & address
  - Buyer name & address
  - Ship to name & address
  - Container stuffing location
  - Consolidator (stuffer) name and address
  - Importer of record/FTZ applicant identification # (IRS, EIN, SSN or CBP assigned)
  - Consignee # (IRS, EIN, SSN or CBP assigned)
  - Country of Origin
  - Harmonized Tariff of the U.S. (HTSUS) #
- For FROB, IE, T&E shipments
  - Booking party name and address
  - Foreign port of unloading
  - Place of delivery (city code)
  - Ship to name and address
  - Harmonized Tariff of the U.S. (HTSUS) #
- Permission to divert T&E and IE shipments would be required.
- Break bulk cargoes which are exempt from "24-hour rule" would not be exempt from this requirement
  - Name and address of physical location(s) where goods were made "ship ready" would be provided for the container stuffing location; name and address of party who arranged for goods to be made "ship ready" would be provided for consolidator name and address.
- Violations: liquidated damages equal to the value of the merchandise involved in the default.