



U.S. Customs and
Border Protection

08 FEB 11 AM 10:23
JOHN S. JAMES CO.
CHARLESTON S.C.

DATE: February 5, 2008

PORT OF CHARLESTON NOTICE NO: FY2008-06

TO: Importers, Brokers, Carriers and Other Interested Parties.

SUBJECT: Conditional Release of Containers from Terminals by C-TPAT Members on Entries Designated for Stratified Compliance Examination.

The purpose of this public notice is to provide C-TPAT participants with an avenue to have their containers removed from the terminal while the entry is still in intensive status. Customs and Border Protection (CBP) places a manifest hold on all containers imported under the same bill(s)-of-lading for entries targeted for exam. Upon completion of the exam, the carrier receives an electronic message releasing all containers remaining at the terminal. This notice is intended for C-TPAT importers with entries designated for stratified (compliance measurement) exams only.

The Assistant Commissioner, Office of Field Operations, has approved extending an additional benefit nationwide to C-TPAT importers that reduces demurrage costs with minimal impact on CBP enforcement operations. When multiple containers are covered by an entry with a Compliance Measurement (CM) requirement, traditionally CBP would move the container(s) with the targeted cargo to the CES for examination, while the container(s) that do not hold the targeted commodity would remain at the terminal until the entry is released by CBP. Importers would incur costly demurrage charges for the containers remaining at the terminal.

The new procedures will provide C-TPAT importers an avenue to have their containers that do not contain the targeted commodity removed from the terminal while the entry is still on intensive CM hold. Under this option, the importer of the goods must sign a statement on the importer's letterhead stating that they will hold all the containers with the seal intact until an electronic release from CBP is obtained. The importer accepts responsibility for any containers compromised in any way or delivered without CBP authorization. An importer who violates this agreement may also be suspended or removed from the C-TPAT program. Again, this option only applies to multiple containers held under a single entry targeted for a CM examination.

Effective immediately, C-TPAT members will be given two options when filing an entry with multiple containers regardless of the number of bills-of-lading affected:

1) The C-TPAT importer will have the opportunity to decide whether they want to keep all containers under the same bill(s) of lading at the terminal until the selected container is examined and the entry is released; or,

2) C-TPAT importers can receive a conditional release for containers not held for CM examination or other CBP enforcement hold from the terminal and hold them with the seal intact until an electronic release is obtained.

In order to qualify for the second option, the importer must include with the entry as a standard practice, the following statement. This statement, or something similar should be typed on the importer's letterhead:

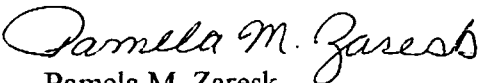
"Please allow all containers not held for CM examination or other CBP enforcement hold under entry _____ to be conditionally released from the terminal. I, (licensed broker/Importer) _____ will hold all containers associated with this entry intact pending receipt of the electronic release or signed CBP 3461. I understand that I am responsible for any unauthorized deliveries."

If the above statement is not submitted with the entry, CBP will, upon request, fax the attached "Request for Exam Information" sheet to the licensed broker. The completed form will be faxed to the ATU 2 Unit located in the Customhouse at (843) 579-6609.

Please note that the above statement will allow for either the licensed broker or the importer/owner to sign. The signer accepts responsibility for any containers compromised in any way or delivered without CBP authorization.

If there are non-stratified (non-compliance measurement) holds on any of the effected containers, those containers will not be permitted to leave the terminal (e.g. Enforcement and Agriculture holds).

Any employee of the licensed broker signing the statement must also fax a letter from the licensed broker stating that he/she is authorized to sign on behalf of the broker. If you have any questions please contact ATU Supervisor Russ Miller at (843) 529-9695.


Pamela M. Zaresk
Area Port Director

Attachment



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REQUEST FOR EXAM INFORMATION

TO CHB: FAX #:
 DATE: TIME: REQUEST #

BROKER: Please provide to FAX (843) 579-6609 the following information to continue the selectivity processing of:

ENTRY #				
LINE ITEM(S) ON THE CF 3461:				
#	OF	TARIFF #	MID	VALUE \$
#	OF	TARIFF #	MID	VALUE \$
#	OF	TARIFF #	MID	VALUE \$

() Please provide a copy of the packing list for the designated line item.

Container Number(s) with this merchandise / cargo # _____, # _____, # _____ Total number of Cartons in container: (); (); ()

() Master B/L for each of these designated containers?
 # _____, # _____, # _____

*****C-TPAT Members*****
Please allow all containers under entry _____ to be removed from the terminal. I _____ will hold all containers associated with this entry intact pending receipt of the electronic release or signed CBP 3461. I understand that I am responsible for any misdeliveries.

Please Indicate with a circle: Licensed Broker Importer/Owner

If signing for the broker, you must submit a letter from the licensed broker authorizing your signature.