



FEDERAL MARITIME COMMISSION

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August 4, 2023

Mr. Michael Symonanis
Chair, National Shipper Advisory Committee

Dear Chairman Symonanis:

On behalf of the Federal Maritime Commission (Commission), this letter responds to the below Recommendation of the National Shipper Advisory Committee (NSAC) submitted to the Commission on June 5, 2023.

NSAC Recommendation:

Comment to Federal Maritime Commission (FMC) Docket No. FMC-2022-0066; NPRM Demurrage and Detention Billing Practices:

We, the National Shipper Advisory Committee, recommend the final rule issued under § 541.3 for Demurrage and Detention expands the definition of demurrage or detention to mean "...any charges, including 'per diem' charges, assessed by *or on behalf of* ocean common carriers, marine terminal operators, or non-vessel-operating common carriers related to the use of *marine* terminal space (e.g., land) or shipping containers, but not including freight charges". Recommended text changes for § 541.3 are the insertion of: '*or on behalf of*', and, striking the word '*marine*' as above.

Commission Response:

Thank you for your comment. The Notice of Proposed Rulemaking on Detention and Demurrage billing practices (NPRM) is responsive to a requirement of the Ocean Shipping Reform Act of 2022 (OSRA) and was issued by the Commission on October 14, 2022. The Commission received approximately 185 comments in response to the NPRM, and it is still under review. The Commission has placed the above comment from NSAC into the docket, and it will be considered as part of that process, along with the other comments received.

Further, per the requirements set forth in the legislation establishing the NSAC, this recommendation has been published on the Commission's website and will be submitted to the appropriate Congressional committees. Please direct any questions regarding this response to the NSAC Designated Federal Officer.

Sincerely,

William Cody
Secretary