

**NARRATIVE SUPPORTING STATEMENT FOR
46 CFR 525 - MARINE TERMINAL OPERATOR SCHEDULES
AND RELATED FORM FMC-1**

A. Justification

1. Section 8(f) of the Shipping Act of 1984 (1984 Act) (46 U.S.C. 40501), as amended by the Ocean Shipping Reform Act of 1998, provides marine terminal operators (MTOs) with the option of making their schedules of rates, regulations and practices available to the public subject to section 10(d) of the 1984 Act. MTOs must maintain in their offices a complete set of all of their terminal schedules and shall promptly make them available to the Federal Maritime Commission (FMC or Commission) upon request. Each MTO is required to file Form FMC-1 with the Bureau of Trade Analysis advising of its organization name, organization number, home office address, name and telephone number of the firm's representative, the location of its terminal schedule(s), and the publisher, if any, used to maintain its terminal schedule. The Commission publishes a list on its website of the location of any terminal schedule made available to the public.

2. The Commission uses the information filed by these parties to maintain continuous surveillance over the activities of these entities and to meet its responsibilities with regard to identifying and preventing unreasonable preference or prejudice and unjust discrimination pursuant to section 10 of the 1984 Act.

3. The provisions of 46 CFR 525.3(b) allow respondents to make the MTO schedules available through various automated electronic techniques. This requirement does not appear to be a hardship on MTOs. All MTOs that opt to publish their tariffs do so in electronic form, which provides meaningful access to the public. Form FMC-1 is filed electronically with the agency.

4. No duplication of effort is involved since similar information is not available from outside sources nor elsewhere in the Commission, and recordkeeping requirements for this information are necessary in order for the Commission to regulate MTOs in accordance with section 10 of the 1984 Act.

5. This collection of information does not have a significant impact on small businesses or other small entities.

6. Failure to collect this information or collection of the data less frequently would hinder continuous surveillance over MTOs.

7. This information collection does not (1) require respondents to report information to the agency more often than quarterly; (2) require written responses in fewer than 30 days; (3) require respondents to submit more than an original and two copies of any document; (4) include confidentiality pledges that are not supported by established statutory authority; or (5) require respondents to submit proprietary information without protecting such information to the full extent of the law. There is a five-year recordkeeping requirement that is consistent with the statute of limitation provisions in section 13(f) of the Shipping Act of 1984, 46 U.S.C. 41109.

8. The 60-day Federal Register Notice regarding this extension was published May 13, 2008, at 73 FR 27537. Respondents had 60 days to respond with their views regarding the collection of information; no comments were received.

9. Not applicable – The Commission does not provide any payments or gifts to respondents.

10. No assurance of confidentiality is provided.

11. There are no questions of a sensitive nature.

12. The estimated reporting respondent universe is 258. Of these 258 respondents, it is estimated that 153 respondents will opt to publish schedules and submit location addresses.

a. The time per response for completing Form FMC-1 (mandatory) averages .5 hours. With a respondent universe of 258, this would amount to 129 person-hours.

b. Regarding the optional provisions of this rule, the estimated time to complete an MTO schedule page is .5 hours; the average schedule is 10 pages, for an average total of 5 person-hours per schedule. If 153 respondents were to file these schedules, the total person-hours would amount to 765.

Total hour burden for this collection is estimated to be 894 person-hours.

It is estimated that the average cost of filing a Form FMC-1 is \$29; the total estimated cost for 258 respondents to file this form would be \$7,482. It is estimated that the average cost of filing an MTO schedule page is \$29 per page; the average schedule is 10 pages, for an average cost of \$290 per schedule. Total estimated cost for 153 respondents to file MTO schedules would be \$44,370. The total annual cost to respondents is estimated at \$51,852. This cost is based upon staff familiarity with MTO practices and includes consideration of, among other things, time for preparing the form/schedules, and overhead and operational costs. (See Attachment 1.)

13. There are no additional cost burdens to respondents or recordkeepers other than those reported in item 12.
14. Total estimated costs to the Federal Government for this rule and form is 378 person-hours, at an estimated cost of \$25,479 (see Attachment 2).
15. The burden estimate has not changed. Although the respondent universe of MTOs has increased, the respondent universe opting to file an MTO schedule, based on current figures, has decreased. Therefore, the total number of annual hours requested is decreased by 70 hours.
16. Not applicable – no information will be published.
17. Not applicable – The Commission is not seeking approval to exclude the display of the expiration date for OMB approval of this information collection.
18. Not applicable -- The Commission proposes no exception to the certification statement on OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.

12. Estimated Burden and Costs, Including Overhead, to RespondentsHours Burden

Estimated time per Form FMC-1	.5 hours	
X Respondent universe	<u>258</u>	129 person-hours
Estimated time per MTO schedule page	.5 hours	
X Average No. of pages per MTO schedule	<u>10</u>	5 person-hours per schedule
X Anticipated No. respondents per year	<u>153</u>	765 person-hours

Total Hours Burden		894 person-hours
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Cost Burden (30% increase over 2005 costs)

Average cost per Form FMC-1	\$29.00	
X Respondent Universe	<u>258</u>	\$ 7,482
Plus		
Average cost per MTO schedule page	\$ 29.00	
X Average No. of pages per schedule	<u>10</u>	\$290.00
X Anticipated filings per annum	<u>153</u>	\$44,370
Total Annual Cost to Respondents		\$51,852

This cost is based upon staff familiarity with MTO practices and includes consideration of, among other things, time for preparing the form/schedules, and overhead and operational costs.

14. Estimated Burden and Costs, Including Overhead, to Federal Government

The annual salary calculations have been formulated using the Federal Government's January 2008 salary table (overhead of \$17.72 per hour and benefits of 23.69% per year have been added to the basic salary).

Office Director 14/1 – 63 hours

$\$98,033 + (98,033 \times 23.69\%) = \$121,257/2,080 = \$58.30 + \$17.72 = \$76.02$ adjusted hourly salary

Transportation Specialists (4) 12/9 – 252 hours

$\$88,372 + (88,372 \times 23.69\%) = \$109,307/2,080 = \$52.55 + \$17.72 = \$70.27$ adjusted hourly salary

Information Processing Assistant 7/9 – 63 hours

$\$49,814 + (49,814 \times 23.69\%) = \$61,615/2,080 = \$29.62 + \$17.72 = \$47.34$ adjusted hourly salary

Employee	Hourly Salary	Number of Hours	Total
Office Director	\$76.02	63	\$ 4,789
Transportation Specialists (4)	\$70.27	252	\$17,708
Information Processing Assistant	\$47.34	63	\$ 2,982
TOTALS		378	\$25,479

Estimated cost to the Federal Government: \$25,479