

**NARRATIVE SUPPORTING STATEMENT FOR
46 CFR PART 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(f)), 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 3, 2011, at 76 FR 24881. 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. Currently, the total number of MTOs registered with the FMC is 258. Based upon actual figures for FY 2010, the estimated reporting respondent universe is 20. Of these 20 respondents, it is estimated that 12¹ respondents will opt to publish schedules and submit location addresses.

a. The time per response for completing Form FMC-1 (mandatory) averages 0.5 hours. With a respondent universe of 20, this would amount to 10 hours.

b. Regarding the optional provisions of this rule, the estimated time to complete an MTO schedule page is 0.5 hours; the average schedule is 10 pages, for an average total of 5 hours per schedule. If 12 respondents were to file these schedules, the total hours would amount to 60.

Total hour burden for this collection is estimated to be 70 hours.

The annual cost to respondents is estimated at \$4,002 (see Attachment 1). The cost has been calculated in consideration of the time to gather information and furnish it to the Commission, as well as comply with the requirements of 46 CFR 525. It also includes clerical time as well as overhead and operational expenses.

¹ This decrease in the estimate is based on the actual respondent universe figure for FY 2010.

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 40 hours, at an estimated cost of \$2,905 (see Attachment 2).

15. The total number of annual hours requested is decreased by 824 hours. The burden estimate has changed based on actual figures for MTO's who opted to file MTO schedules during FY2010. Additionally, the total annual number of responses has decreased by 379, from 411 to 32. This is based also on actual filings. While the universe of MTOs is 258, only 153 of the 258 opt to make their schedules available to the public. Over the past 3 years, on average there were only 20 MTOs that submitted a new or revised Form FMC-1. MTOs are not required to update their FMC-1 every year. If we included all of the MTOs in our burden estimate, the response would be misleading, as it is not an "annual" burden.

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 Respondents

10 hours (completing Form FMC-1) + 60 hours (optional MTO schedules) = 70 total hours
 33% Pricing Manager (23 hours)
 67% Tariff Publisher (47 hours)

The annual salary calculations have been formulated using the Federal Government’s March 2010 salary table (overhead of \$20.10 per hour and benefits of 24.23% per year have been added to the basic salary). The salary for the pricing manager was calculated using the salary of a GS 13/5 Senior Transportation Specialist, and the salary for the tariff publisher was calculated using the salary of a GS 6/5 Transportation Specialist.

Formula: Annual salary + (annual salary X benefits rate) = adjusted annual salary/2,080 + overhead = adjusted hourly salary
 $\$100,904 + (100,904 \times 24.23\%) = \$125,353 / 2,080 = \$60.27 + \$20.10 = \$80.37 =$ Pricing Manager adjusted hourly salary
 $\$43,046 + (43,046 \times 24.23\%) = \$53,476 / 2,080 = \$25.71 + \$20.10 = \$45.81 =$ Tariff Publisher adjusted hourly salary

Employee	Hourly Salary	Number of Hours	Total
Pricing Manager	\$80.37	23	\$1,849
Tariff Publisher	\$45.81	47	\$2,153
TOTALS		70	\$4,002

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

The annual salary calculations have been formulated using the Federal Government's March 2010 salary table (overhead of \$20.10 per hour and benefits of 24.23% per year have been added to the basic salary).

Office Director 14/3 – 3 hours

$\$112,224 + (112,224 \times 24.23\%) = \$139,416/2,080 = \$67.03 + \$20.10 = \$87.13$ adjusted hourly salary

Sr. Transportation Specialist 13/5 – 9.25 hours

$\$100,904 + (100,904 \times 24.23\%) = \$125,353/2080 = \$60.27 + \$20.10 = \$80.37$ adjusted hourly salary

Transportation Specialists (2) 12/9 – 9.25 hours each

$\$94,837 + (94,837 \times 24.23\%) = \$117,816/2,080 = \$56.64 + \$20.10 = \$76.74$ adjusted hourly salary

Information Processing Assistant 7/9 – 9.25 hours

$\$53,468 + (53,468 \times 24.23\%) = \$66,423/2,080 = \$31.93 + \$20.10 = \$52.03$ adjusted hourly salary

Employee	Hourly Salary	Number of Hours	Total
Office Director	\$87.13	3	\$ 261
Sr. Transportation Specialist	\$80.37	9.25	\$ 743
Transportation Specialists (2)	\$76.74	18.50	\$1,420
Information Processing Assistant	\$52.03	9.25	\$ 481
TOTALS		40	\$2,905

Estimated cost to the Federal Government: \$2,905