

**Responses to OMB's Comments Regarding  
3072-0070 – NVOCC Service Arrangements – 46 CFR Part 531**

- **IC Details.** What must respondents submit to comply with the less time consuming components of this ICR—audit requirements, third party disclosures, etc.? I cannot ascertain what goes to FMC and precisely why burden was substantially reduced (see the next question). We recommend FMC include a brief description of the IC's.

In order for Non-Vessel Operating Common Carriers (NVOCC) to file NVOCC Service Arrangements (NSA), they must complete Form FMC-78 to allow them access to filing their contracts with shippers into SERVCON. While approximately 1,080 users have completed Form FMC-78, only 69 NVOCCs have actually filed NSAs in the past fiscal year. It should take an NVOCC less than 1 hour to complete Form FMC-78. There is no requirement to file a Form FMC-78 until they are on the verge of concluding an NSA with a shipper. We have added a brief descriptions of the ICs to our revised supporting statement.

- **Changes in Burden.** Why did the previous ICR submission indicate nearly all IC's took significantly longer? Although FMC states the average hours per response decreased as a result of advancement in technology, we recommend FMC provide details on how new technology reduced time by the estimated amount.

The previous ICR submission indicated it took significantly longer since it was a manual process which has now been automated. NSAs were introduced in January 2005, and NVOCCs had to become more acclimated with the process. There was a learning curve, but NVOCCs are now more familiar with the requirements, and electronic processing makes it more efficient.

- **PRA Notice on Form:** Does the time needed to complete and file listed in the PRA Notice on Form FMC-78 match the time estimate in the supporting statement?

The PRA Notice estimates that the average time to complete Form FMC-78 is 1 hour: 20 minutes for recordkeeping, 20 minutes for learning about the form, and 20 minutes for preparing and sending the form. This estimate is the same as shown in No. 12 of the Supporting Statement. Once the Form FMC-78 is filed, and the NVOCC has access to SERVCON, the NVOCC can file original NSAs and amendments. The FMC does not feel it is necessary to revise the form at this time.

- **Expiration Date(s) on the Form:** Are the expiration dates listed on the form accurate for this review?

Yes, the expiration date of Form FMC-78 (08/31/2011) is accurate for this review and subject to approval for form extension.

- **Form Formatting and Clarity.** We recommend FMC add colons to Line 2 of the form to clarify what respondents are to enter. Additionally, we recommend FMC fix inconsistent indentations and capitalizations both in the instructions and on the form.

Form FMC-78 was approved by the Commission in 2005. As part of its regulatory review, the agency is in the process of reviewing all of its regulations. The FMC does not intend to revise this form until the review process is complete, and maybe not then. However, your comments will be taken into consideration if it is determined that the Form FMC-78 should be revised.

- **Government Cost Allocation.** Why did FMC allocate different percentages of database system maintenance in 2011 and 2008? Many of FMC's government cost decisions regarding staff time, grade, and steps are inconsistent with the previous submission.

The database system maintenance costs are based upon contractor costs for the fiscal year. The contractor handles several databases. We are unable to calculate exactly how much of the contractor's costs are attributed to each system. We can only estimate the approximate amount of time the contractor spends on each database. As databases are added or changed, the amount of time spent on each by the contractor changes. We have estimated that the contractor costs for this past fiscal year allocated to the NSAs information collection would be approximately 10% of the total contractor costs.

We disagree that the FMC's government costs regarding staff time, grade and steps are inconsistent with the previous submission. In 2008, we reported total hours as 2,592; in 2011, we reported total hours as 2,183. In 2008, we had 6 employees involved in processing this information collection – an Office Director, four Transportation Specialists, and one Information Processing Assistant. In 2011, we reported a similar, although smaller, staff of 5 employees – an Office Director, a Senior Transportation Specialist, two Transportation Specialists, and an Information Processing Assistant. In 3 years the grades/steps of these employees are certainly expected to change. We tie our staff costs directly to an individual employee, not a “pay band.” We fail to see where we are inconsistent.

- **Industry Cost Allocation.** Has the percentage of burden allocated to pricing managers versus tariff publishers changed with advancements in technology or adjustments in industry?

No, we do not believe it has changed.