Federal Maritime Commission
Title: 46 CFR Part 520
ICR Reference No. 3072-0064

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Common carriers and conferences of such common carriers are required by 46 U.S.C. 40501(a)-(c) to publish and keep open to public inspection in automated tariff systems tariffs showing all rates, charges, classifications, rules, and practices between all points or ports on their own routes for transportation of cargo between the U.S. and foreign ports, and on any through transportation route that has been established. These tariffs are made available electronically to any person through appropriate access from remote locations.

Each common carrier and conference is required to notify the Commission's Bureau of Trade Analysis, prior to the commencement of common carrier service pursuant to a published tariff, of its organization name, organization number, home office address, name and telephone number of firm's representative, the location of its tariffs, and the publisher, if any, used to maintain its tariffs, by electronically submitting Form FMC-1 via the Commission's website.

The purpose of these regulations is to permit shippers and other members of the public to obtain reliable and accurate information concerning the rates and charges that will be assessed by common carriers and conferences for their transportation services and to help carriers and conferences meet their publication requirements under 46 U.S.C. 40501(g).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Commission's Bureau of Trade Analysis uses the information published in tariffs of common carriers and conferences to monitor their activities and to ensure the accessibility and accuracy of automated tariff systems as required by 46 U.S.C. 40501(g). The Commission uses the information to protect the public from violations by carriers of 46 U.S.C. 41102-41105. It also allows the Commission to review and monitor the activities of controlled carriers pursuant to 46 U.S.C. 40701-40706. If such information were not collected, the Commission would be precluded from carrying out its statutory and regulatory responsibilities.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and

the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Carriers and conferences publish tariff data in third-party (tariff publisher) automated systems or on carrier websites. It is intended that the shipping public will continue to have access to accurate tariff information. Form FMC-1 is filed electronically with the agency.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Carriers and conferences, as part of their business practice, are required to keep tariff information available. Since this information is not filed with the Commission, their systems are the only public repository where a complete copy of each carrier's and conference's tariff containing historical rates may be found.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Commission ensures that tariffs are published and the location of those tariffs are made public. If this information were not published as specified, the Commission would not be able to determine compliance with the statute and the Commission's regulations and the shipping public would not have reliable information on carrier rates, charges, classifications, rules and practices.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
*** requiring respondents to report information to the agency more often than quarterly;**
*** requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
*** requiring respondents to submit more than an original and two copies of any document;**
*** requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
*** in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
*** requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
*** that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are**

consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
*** requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

None of the above apply.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside FMC to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

In accordance with the Paperwork Reduction Act and OMB's regulations, notice was published in the *Federal Register* on May 10, 2022, at 87 FR 27971, requesting public comments. Respondents had 60 days to respond with their views regarding the collection of information. The Commission received no comments on the cost and hour burden calculations. The Commission received a comment opposing the requirement to publish tariffs and keep tariffs open for public inspection. However, the Shipping Act requires the publication of tariffs, and the Commission is therefore bound by this requirement. The Commission therefore took no action in response to this comment. The Commission also received comments on the proposed rule to allow the option for Non-Vessel-Operating Common Carriers (NVOCCs) to file a rule in their tariff to cross-reference a Vessel-Operating Common Carrier (VOCC) tariff for certain charges. These comments opposed the rule on the basis that the burden to create a rule that included every variation of charge and corresponding names and numbers of the cross-referenced tariffs would be too great. In response to these comments, the Commission clarified that the proposed rule requires that only general categories of charges be listed and only a general reference to the VOCC tariff be made.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Tariff information is available to anyone who requests it and there are no provisions for confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why FMC considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable.

12. Provide estimates of the hour burden of the collection of information. The statement should:
*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices. * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

Although the Commission makes changes through this rule to the burden of this information collection, the increased burden is a result of the increase in the number of entities filing and maintaining tariff systems. In the Notice of Proposed Rulemaking, the Commission invited comment on the approach to calculating burden for each type of information associated with this part and received no comment on this analysis.

There are seven components of this information collection. All components are collected on an ad hoc basis. Estimates of annual instances, average hours per response, and total hours (rounded to the nearest hour) for five of these are as follows:

- Filing Form FMC-1: 928 annual instances x 0.5 hours per response = 464 hours
- Inform FMC of certain occurrences: 1,691 annual instances x 0.25 hours per response = 423 hours
- Publish tariffs and keep open for public inspection: 928 annual instances x 0.1 hours per response = 93 hours
- Maintain data in tariff publication systems: 114,150 annual instances x 0.017 hours per response = 1,941 hours
- Provide reasonable access to FMC: 5 annual instances x 2 hours per response = 10 hours

The Commission does not anticipate receiving any instances of the following:

- File documents with FMC and certifications
- Maintain shipper notices & shipment records for time/volume

The total across all categories is: 117,702 responses and 2,931 hours.

We use the most recent Occupational Employment and Wage Statistics 2) as the basis for the hourly wage estimates and select occupational codes most related to the functions identified above. Overhead is assumed to be 107.4%. We assume one third of the burden is allocated to managers and the remainder to clerical staff. Total burden is estimated as $208,521.11.

Occupational Title	SOC Code	2022 hourly	with overhead	hours	total
General and operations managers	11-1021	$ 59.07	$ 122.51	977	$119,692.27
financial clerks	43-3000	$ 21.92	$ 45.46	1,954	$ 88,828.84
				2,931	$ 208,521.11

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

*** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
*** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

*** Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no additional cost burdens to respondents or recordkeepers other than those reported in item 12.

The start-up costs and operations and maintenance costs previously reported under question 13 have been eliminated due to advances in technology associated with publishing and making tariffs available to the public. Notably, 96% of all tariffs are published by the 13 major tariff publishers, and those start-up costs were incurred long ago, in many cases, decades ago. The remaining 4% of tariffs are published using commercially available software.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.
Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the Federal Government is estimated to be $108,425.20. This includes wages, overhead, and benefits for staff associated with the data collection, analysis, reporting, and posting to the FMC website. Overhead is assumed to be 107.4%.

Title	GS level	2023 hourly	with overhead	hours	total
Team Lead, Transportation Industry Analyst	14/5	$71.88	$149.08	232	$34,586.56
Transportation Industry Analysts	12/5	$51.15	$106.09	696	$73,838.64
Total				928	$108,425.20

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

For the burden to the public, the total hours increased due to an increase in the number of entities, particularly NVOCCs, entering the industry.

For the burden to government, the total hours remain the same. The increased cost is solely associated with increases in wages and overhead rate.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

A list of carrier tariffs locations is published on the Commission’s website.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Commission is not seeking approval to exclude the display of the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

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.