

Federal Maritime Commission
Title: Container vessel imports and exports.
OMB Control No. 3072-0074

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.

The Ocean Shipping Reform Act of 2022 (OSRA 2022) requires the Federal Maritime Commission to “publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter.” Pub. L. 117-146, 136 Stat 1272 (2022) (codified at 46 U.S.C. 41110). The law further states that “ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.” *Id.*

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 information will be used to compile and publish a quarterly report on total import and export tonnage and total loaded and empty 20-foot equivalent units (TEUs) per vessel operated by common carriers. The universe of respondents will be the 30 largest vessel-operating common carriers by containerized cargo volume transporting 20-foot equivalent units (total across imports and exports, regardless of whether they are laden) in or out of the United States in oceanborne foreign commerce.¹

Specifically, data will be collected from vessel-operating common carriers on the characteristics of their containers loaded or unloaded at each port of call on any service that transports their containers. Specifically, for each port of call, carriers will report on the tonnage and number of empty and laden containers loaded or unloaded from the vessel. Containers will be further disaggregated into 20-foot, 40-foot, and 45-foot containers to allow computation of the TEU statistic specified in OSRA 2022.

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.

¹ Previously FMC estimated that the agency would collect data from 70 vessel-operating common carriers. This number has been reduced to the 30 largest vessel-operating common carriers. These thirty carriers are collectively responsible for transporting 98 percent of containerized freight moving in international commerce to and from the United States.

This information will be collected via the Commission's eMonitoring system, which is the electronic system currently used for collection of data from regulated entities under 46 CFR Part 535. Respondents will be provided an Excel template to fill and submit via eMonitoring.

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.

The report is mandated under OSRA 2022. There is currently no systematic, reliable information on the number of empty containers transported on vessels that is provided to the shipping public in a timely fashion and allows analysis of space at both the carrier and vessel level. The Army Corps of Engineers collects information on laden and empty containers by size at the vessel level. These data are aggregated and published with a two-year lag. The reporting unit is the vessel. Understanding the number of empty and full containers on a vessel is important, but an incomplete picture if it is not disaggregated by the carriers using space on that vessel. U.S. exporters and importers move cargo (under contract or on the spot market) with individual ocean carriers. Access to detailed information about individual carriers' containers and/or space allocation on a particular vessel is useful to shippers for their planning and contract negotiation/implementation purposes. Most container ships are not exclusively carrying containers for a single ocean common carrier. So, for example, knowing that a ship with 4,000 TEU capacity is sailing 75 percent empty when it leaves the United States does not necessarily imply that the operator of the ship is responsible for those empty containers. It could be the case that 1,500 units of capacity are held by another ocean common carrier, who has refused all export loads. Information on the vessel and how space is used at the carrier level on any given vessel is necessary to meet the statutory mandate.

While there are alternate sources of data on laden containers, these do not satisfy the requirements of the OSRA 2022 mandate; they are based on converting container weight to an estimated count of containers using sophisticated algorithms. Commercial vendors of this information acquire the underlying data from U.S. Customs and Border Protection and then spend considerable resources to refine the data and convert to estimated TEUs. Not only is it costly to produce this information using the commercial vendor approaches, but results in only estimated TEUs, is incomplete at the carrier/vessel level, and estimates can vary by methodology used. The FMC believes that using commercial vendor data or attempting to duplicate this data would not provide the information required to produce the report mandated by OSRA 2022. Moreover, attempting to duplicate commercial vendor methodologies to produce its own estimates would raise the risk of erroneous data, is not required to satisfy the OSRA 2022 mandate, and comes at a considerable and needless cost to taxpayers. Based on its research, the FMC believes the most cost effective, efficient, and reliable approach to meeting this OSRA 2022 reporting requirement is to collect the underlying data directly from the vessel-operating common carriers, who know precisely the quantity and size of containers that they move on vessels (those under their control and those where they have a space allocation).

The direct data collection will allow the agency to evaluate the quality of estimates of laden and empty containers that directly use Customs and Border Protection data. Should the

agency be able to produce estimates that meet the parameters required by OSRA 2022 by relying on data collected by other agencies and develop long-term plans to ensure continued delivery of these data, then the agency would modify this information collection accordingly. The FMC will provide regular updates to OMB, as directed by OMB, regarding the study's progress and interim results.

Finally, there is no source of information on tons or TEUs of freight that is on- or off-loaded at Canadian or Mexican ports on services that also call at U.S. ports. It is often the case that U.S. exporters and importers ship freight that moves through either Mexican or Canadian ports. For example, rail service from the Ports of Vancouver or Prince Rupert is used by U.S. exporters and importers in the upper Midwest.

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

This collection of information involves only ocean common carriers, which have all been determined to be large businesses. As such, this collection of information has no impact on small businesses or 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.

This report is mandated under OSRA 2022. Failure to collect and publish this data will render the Commission unable to produce the report required by statute.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) 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; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) 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; (h) 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.

The information collection requires carriers to report on a monthly basis. As Congress requires the FMC to publish a report quarterly, to meet key milestones and have the ability to properly review submitted data, FMC needs to require monthly submission. Requiring less

frequent submission would increase the time between data receipt and the quarterly publication, which would substantially impact the Commission's ability to comply with the OSRA 2022 mandate.

Customs and Border Protection and Army Corps of Engineers collections cannot be leveraged to create the data product required by the FMC. The FMC, however, has leveraged the existing forms and templates for these other data reporting efforts and developed a data collection tool that uses identical measures and naming conventions in an effort to minimize additional costs to the respondents.

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 by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The 60-day Federal Register Notice regarding this extension was published January 26, 2026, at 91 FR 3195. Respondents had 60 days to respond with their views regarding the collection of information; one comment was received from Gnosis Freight.

The central argument across all five recommendations from Gnosis is the same: the commercial logistics technology sector has already built the data infrastructure needed to validate and expand the Commission's containerized freight statistics. The FMC does not need to construct new interagency arrangements, build internal verification systems, or negotiate voluntary agreements with terminal operators. That work is done. What the Commission needs to do is simple: add two fields to the 3072-0074 reporting schema, and procure commercial data validation services from a provider with the connections already in place.

The FMC views these recommendations as a risk to ocean carrier proprietary information, an excessive burden on the maritime industry, and outside the scope of what the OSRA 2022 mandate requires. The proposed mandatory master bill of lading number and container number fields would transform vessel-level aggregate reporting into container-level shipment tracking, substantially increasing compliance costs and exposing competitively sensitive operational data.

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

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

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

46 USC 41110(b) states, “Nothing in this section, and the amendment made by this section, shall be construed to compel the public disclosure of any confidential or proprietary data, in accordance with section 552(b)(4) of title 5, United States Code.”

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 the agency 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 – There are no questions of a sensitive nature.

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’.**

FMC assumes a respondent universe of 30 vessel-operating common carriers. FMC has identified the 30 largest vessel-operating common carriers based on data sources on vessels operated and containers carried over the past year obtained from PIERS (<https://ihsmarkit.com/products/piers.html>) and Alphaliner (<https://public.alphaliner.com/>).

The burden is estimated at 6.67 hours (6 hours, 40 minutes) per response (which would total 80 hours per year per carrier under monthly reporting).² This is based on FMC burden estimates for comparable levels of data collection in other programs, including Part 535. As the FMC believes the bulk of the collected data resides in existing systems, we assume 80% of the burden hours involve staff working with IT systems and the remaining 20% will involve management review and approval of the data submission. Total burden is estimated at 2,400 hours per year.

² The 6 hours, 20 minutes portion on the Supporting Statement in the original 2023 submission was a typo and has now been corrected to 6 hours, 40 minutes - reflecting the accurate amount of time, as reported in ROCIS.

We used the most recent Bureau of Labor Statistics Occupational Employment and Wage Statistics (<https://data.bls.gov/oes/#/industry/483000>), May 2024, as the basis for the hourly wage estimates and selected occupational codes most related to the functions identified above. Overhead is assumed to be 102.93%.

Title (and SOC)	OEWS hourly wage estimate, 2024	with overhead	assumed hours	total
Manager (11-1021)	\$82.85	\$168.13	480	\$80,702.40
Computer Systems Analyst (11-3021)	\$84.61	\$171.70	1,920	\$329,664.00
			2,400	\$410,366.40

Total respondent burden is estimated to be \$410,366.40

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 capital/start-up or ongoing operation/maintenance costs associated with this information collection. The FMC anticipates that respondents will generate reports from existing

systems, as the data collected is similar, but not identical to, data that is already submitted to other government agencies and clients on a flow basis.

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 for this collection of information is estimated to be \$132,807.84. This includes wages, overhead, and benefits for staff associated with the data collection, analysis, report formatting, and posting to the FMC website. Overhead is assumed to be 102.93%.

Title	GS level	2026 Annual	2026 hourly	with overhead	assumed hours	total
Operations Research Analyst	14/5	\$163,104	\$78.15	\$163.57	384	\$62,810.88
Economist	14/5	\$163,104	\$78.15	\$163.57	384	\$62,810.88
Operations Research Analyst	15/5	\$191,850	\$91.93	\$186.55	24	\$4,477.20
Program Support Specialist	12/5	\$116,071	\$55.62	\$112.87	12	\$1,354.44
Program Analyst	12/5	\$116,071	\$55.62	\$112.87	12	\$1,354.44
						\$132,807.84

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

Number of respondents has been reduced from 70 to 30 ocean carriers because the latter are collectively responsible for 98% of the containerized cargo market in and out of the United States. The amount of assumed hours on the government side of the burden calculation has been reduced to reflect the actual amount of time staff expended since collection, analysis and reporting began. Salary adjustments were made to reflect the most recent, available figures.

16. For collections of information whose results will be published, outline 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.

Collected data will be published on the FMC website. The OSRA 2022 language requires publication at the vessel level. However, as detailed in #4 above, in order to produce an accurate picture of total loaded and empty containers moving in U.S. foreign oceanborne trades at the vessel level, data must be collected at the carrier level. The FMC believes there will be utility to

the shipping public by allowing users to easily view both the carrier- and vessel-level information and intends to publish both. We will provide the data to the public via downloadable Excel workbook and also provide a written report summarizing information at the carrier level, as well as in aggregate across all collected data.

The report is required to be published quarterly. The FMC anticipates requiring data submission 30 days after the end of each calendar month. Allowing 30 days to review, develop data tables, and draft the report, will result in the quarterly report being published to the FMC website roughly 60 days after the end of each calendar quarter.

The FMC published the first quarterly report in July of 2025, encompassing calendar quarter 1 of 2024, with the remainder of 2024 quarters to be published in January 2026. Quarter 1 and 2 of 2025 are planned to be published in February/March 2026, and quarter 3 and 4 of 2025 are planned to be published in April/May 2026. Quarter 1 of 2026 is planned to be published in June of 2026, and quarter 2 of 2026 will be published in August of 2026 – returning to the 60 day post calendar quarter cadence.

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 topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions,”

The Commission proposes no exception to the certification statement identified on OMB form 83-I.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.