

WCSC SUPPORTING STATEMENT FOR ENG FORMS 3931 AND 3932

A. JUSTIFICATION

1. The U. S. Army Corps of Engineers Waterborne Commerce Statistics Center (WCSC) annually collects and publishes transportation series (TS) information. TS information includes listings of all domestic vessel operating companies, all domestic vessels and their characteristics and general information on geographic operating areas for each vessel operating company. WCSC uses this TS information as the basis for collecting waterborne commerce information approved by OMB control number 0710-0006.

ENG Forms 3931 and 3932 are used to collect information on vessel characteristics and operating characteristics. Form ENG 3931, Description of Vessels, is used to list and categorize vessel specific information. Form ENG 3932, Description of Operation, is used to record general information about the operating company. This data is primarily collected on an annual basis in the form of a TS survey to all domestic vessel operating companies that work on the navigable waters of the United States. During the annual TS survey, WCSC provides all vessel operating companies (at no cost to the company) with all forms, supplies and pre-paid mailing envelopes required to review and annotate information contained in ENG Forms 3931 and 3932.

2. The authority for the U. S. Army Corps of Engineers to collect data on vessel characteristics, vessel operations and cargo movements is given by Section 11 of 42nd Stat 1043; Rivers and Harbors Appropriation Act of 1922 as amended by PL 99-662. The Rivers and Harbors Appropriation Act states:

SEC.11. "That owners, agents, masters, and clerks of vessels and other craft plying upon the navigable waters of the United States, and all individuals and corporations engaged in transporting their own goods upon the navigable waters of the United States, shall furnish such statements relative to vessels, passengers, freight, and tonnage as may be required by the Secretary of War; Provided, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information.

That every person or persons offending against the provisions of this section shall, for each and every offense, be liable to a fine of not more than \$5,000 or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. In addition the Secretary may assess a civil penalty of up to \$2,500. per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this section by the Secretary."

The Corps of Engineers uses two basic forms to collect vessel and operating characteristics for domestic vessel operating companies. ENG Form 3931 is used to collect information on domestic vessels; ENG Form 3932 is used to collect information operating areas for domestic vessel operating companies. The Corps provides the forms, at no cost to the public, to the vessel operating companies.

The information collected is the basic data from which the Corps of Engineers compiles and publishes domestic vessel and waterborne commerce statistics. The data is used not only to report to Congress, but also to perform cost benefit studies for new projects, rehabilitation projects, and operations and maintenance of existing projects. It is also used by other Federal agencies involved in transportation and security. This data collection program is the sole source for domestic navigation statistics. If this data collection effort is not performed, domestic waterborne commerce statistics will not be available.

3. There are a number of companies that use a computer printout to report their vessel and operating information to WCSC. These computer printouts are accepted in lieu of ENG Form 3931 and 3932 as long as the information is presented in a format similar to ENG Form 3931 or 3932. The Navigation Data Center will continue to assist vessel operating companies in providing data using automation.

4. The WCSC is the sole authorized collector of data on domestic waterborne commerce, including vessel and operating characteristics. The ability to use waterborne commerce statistics to perform cost/benefit studies is mandatory for a rational, defensible allocation of the Corps annual navigation budget (approximately \$1.5 billion). WCSC also provides summarized data to the Maritime Administration (MARAD), Department of Energy (DOE), Tennessee Valley Authority (TVA), Interstate Commerce Commission (ICC), the Coast Guard, State taxing agencies, U. S. Customs Service - Department of Treasury, the Internal Revenue Service and the Department of Homeland Security.

There is no other source for waterborne commerce data that provides origin, destination, commodity, tons, etc. for domestic vessel movements on U.S. waterways. The origin, destination, commodity, and tonnage information is required to perform cost/benefit studies and provide a rationale for allocation of resources related to the Corps navigation function.

5. This data collection program does involve small businesses or other small entities; however, the economic impact is minimal. Corps of Engineers employees assist small businesses with form preparation, training and supplies. The Corps provides all companies with forms, envelopes and supplies at no cost and pays for all mailing costs.

For manual data entry there are no further simplifications of procedures that are feasible. The small business organization always has the option to submit the reports on diskette or an approved equivalent such as a computer printout.

6. The information collected is the basic data from which the Corps of Engineers compiles and publishes domestic vessel and waterborne commerce statistics. This data collection program is the sole source for domestic navigation statistics. If this data collection effort is not performed, domestic waterborne commerce statistics will not be available. Verification of data is required to ensure it is correct. Less frequent verification would preclude the ability to publish accurate information annually and would negatively impact the enforcement effort.

7. There are no special circumstances.

This data collection program does not require multiple copies of ENG Forms 3931 and 3932 nor does it require respondents to maintain records for more than three years.

All classifications and procedures have been reviewed by OMB.

Information relating to vessel and operating characteristics is not considered proprietary or confidential.

8. The 60-day notice was published in the Federal Register on December 28, 2007 (72 FR 73786). No comments were received.

The staff of the Enforcement Office, WCSC, periodically visits vessel operating companies to assist and train in the correct completion of **ENG Form 3931 and 3932** and attends maritime and industry conferences to discuss and present information on the WCSC waterborne commerce statistics program. This provides the staff of WCSC an excellent opportunity to discuss the availability of data, frequency of collection, clarity of instructions, etc. with the vessel operating company.

9. The WCSC does not offer any payment or gift to respondents.

10. In order to minimize the reporting burden on vessel operating companies, the Corps of Engineers will furnish data to other Federal agencies in accordance with the Paperwork Reduction Act.

It is the policy of the Corps not to divulge information regarding the respondents' specific quantities of commodities transported on the inland waterways. Only the companies and the characteristics of their vessels are published.

11. There are no sensitive data items on either form.

12. Burden Hours. During the annual TS survey, WCSC mails each vessel operating company ENG Forms 3931 and 3932 that contain information specific to each individual company. Vessel operating companies review and edit this information and return the forms to WCSC. WCSC takes this information, loads it in several computer databases and compiles and publishes TS statistics. Burden hours are estimated as follows.

a. Burden Hours ENG Form 3931. Vessel operating companies, on average, own or operate 14 vessels. Each vessel operating company is thus required to review and edit information on 14 vessels using ENG Form 3931. In numerous discussions with vessel operating companies, we have estimated that it takes approximately 30 minutes (0.5 hours) to complete this review of ENG Form 3931.

b. Burden Hours ENG Form 3932. In numerous discussions with vessel operating companies we have estimated that it takes about 10 minutes (0.167 hours) to complete ENG Form 3932.

c. Total Burden Hours. Total burden hours to complete both forms are 40 minutes (0.67 hours). Table 1 estimates the total burden hours to the public.

Table 1. Annual Reporting Burden ENG Form 3931 and 3932

Total # Vessel Operating Companies	3,058
# Hours per Company to Complete Forms	0.67
Total Estimated Burden Hours	2,048

Public Costs. Cost to the public is calculated using the equivalent of a GS-05 civil servant to complete ENG Forms 3931 and 3932. The average hourly wage for a GS -05 is \$13.07 / hour, thus the estimated cost to the public is:

$$2,048 \text{ total burden hours} \times \$13.07 / \text{hour} = \$26,767$$

13. There are no capital and start-up costs or operation and maintenance costs associated with this collection.

14. The Corps of Engineers uses a private contractor and 2 civil service employees to collect VORs. Contract services cost approximately \$36,000 per year. Table 2 estimates the government pay for the civil servant employees.

Table 2. Civil Service Pay to Process VORs

Grade	# Employees	Average Annual Base Pay	Total Pay per Grade
GS-8	2	\$36,446	\$72,892

The total government cost is estimated at \$108,892.

15. This is an extension of a previously approved collection.

16. The WCSC annually collects and publishes TS information. TS information includes listings of all domestic vessel operating companies, all domestic vessels and their characteristics and general information on geographic operating areas for each vessel operating company. Respondents are asked to provide a status of their vessel fleets by December 31st of any given year. WCSC will normally close out the collection effort by March/April and publish by June of the following year. The data is made available by electronic database and CD-ROM as well.

17. Form Expiration Dates. The Corps of Engineers again recommends that the ENG forms be approved without expiration dates. If the forms have an expiration date, we must print new forms each time the data collection program is extended. We would then have to destroy reams of forms with the previous expiration data. The inclusion of the expiration date could also cause a drastic logistic problem with the distribution of current forms. We have many cases where the vessel company policy is for each vessel to store copies of the forms aboard the vessels. It is extremely difficult to make distribution through the company to each vessel.

The Corps works very hard to maintain a good working relationship with the respondents and the expiration date is an unnecessary cause of friction. Built-in obsolescence of government forms serves a useful purpose in some data collection programs; however, it is counterproductive in the case of an existing on-going data collection program such as this one in the Corps of Engineers.

18. This data collection program does not have any exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection will not use statistical methods.