

CHAPTER 5 - WATERBORNE COMMERCE STATISTICS

5-1. Purpose. This chapter establishes guidance governing the Navigation Data Center (NDC) programs, their implementation and responsibilities, including the collection, compilation, publication, and dissemination of Waterborne Commerce Statistics and the collection, compilation, and reporting of data on waterway traffic through locks and regulated canals (e.g., the Chesapeake and Delaware Canal and the Cape Cod Canal).

5-2. Terminology. In order to facilitate the use of this pamphlet, terminology unique to the Waterborne Commerce Statistics Program are provided in Appendix O.

5-3. Background and Responsibilities. The Navigation Data Center (NDC) located at Fort Belvoir, Virginia is responsible for the Federal water transportation statistical programs including waterborne commerce statistics, port and waterway facilities, lock performance monitoring, and dredging statistics. The NDC is under the direction of the Director, Water Resources Support Center (WRSC) who has authority over three main interrelated areas comprising (1) planning, developing, and evaluating navigation data collection and processing systems; (2) ensuring that national and regional data bases are adequately integrated and efficiently operated and maintained; and (3) assessing the efficiency of data dissemination technology and procedures. Outlined below are the management responsibilities of NDC components:

a. The Waterborne Commerce Statistics Center (WCSC), located in New Orleans, Louisiana, is responsible for the following:

(1) Data collection, compilation, printing, and distribution of all domestic waterborne commerce statistics. Coding procedures are discussed in Appendix P. The WCSC discharges these functions by publishing the data collected on ENG Forms 3925, 3925B, 3925P or an authorized automated equivalent in the annual publication, Waterborne Commerce of the United States and the data collected on ENG Forms 3931 and 3932 in the annual publication, Waterborne Transportation Lines of the United States. A description of the publications and ton-mile computation methods is contained in Appendix Q.

(2) Continuous monitoring of data collection and recommending changes, as necessary, to the Chief of Engineers through the Director, WRSC.

(3) Handling special requests for waterborne commerce statistics. The WCSC will respond to special requests from USACE offices, other government agencies, and the general public as resources are available within the WCSC. Special requests that require substantial effort to produce will be handled on a cost reimbursable basis.

b. The Ports and Waterways Division of NDC is responsible for the collection, review, analysis, preparation, and publication of data on the physical and internodal characteristics of the coastal, Great Lakes, and inland ports and waterways in the United States.

c. The NDC, through the Lock Performance Monitoring System, has responsibility for the collection, editing, maintenance, and analysis of data collected at channelized waterways, regulated man-made canals, and all Corps-owned and operated locks. These data are collected on ENG Forms 3102b, 3102c, and 3102d as prescribed by ER 1130-2-520, Chapter 6. The

amount of information to be collected from vessel operators is to be held to a minimum, consistent with the essential needs of the U.S. Army Corps of Engineers, including data to meet valid requests of the public.

d. The NDC, through the Dredging Statistics Program, has the responsibility of collection, management, and distribution of data on Corps dredging contract activities. This includes data on bid schedules, location of contract, dredge type, and cubic yards.

5-4. Enforcement of Reporting Policy. The USACE considers compliance with all reporting requirements established in conjunction with this regulation of the utmost importance and will use every means at its disposal to enforce it.

a. Section 11 of the Rivers and Harbors Appropriation Act of 1922 (42 Stat. 1043), as amended, is codified in 33 USC 555 and provides the following:

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 the Army: Provided, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information.

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.

b. To identify vessel operating companies that should be reporting waterborne commerce data, the Corps will make use of, but will not be limited to, the following sources:

- (1) Data on purchase and sale of vessels.
- (2) U.S. Coast Guard vessel documentation and reports.
- (3) Data collected at locks, canals, and other facilities operated by the Corps.
- (4) Data provided by terminals on ENG Form 3926, Record of Arrivals and Departures of Vessels at Marine Terminals.
- (5) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.
- (6) Data provided by ports, local facilities, and state or local governments.
- (7) Data from trade journals and publications.

(8) Site visits and inspections.

5-5. Data Collection and Reports. The Waterborne Commerce Statistics Center (WCSC) located in New Orleans, Louisiana, is responsible for the collection of waterborne commerce information. The waterborne traffic movements are reported to the USACE by all vessel operators of record on ENG Forms 3925 and 3925B, 3925P or an authorized automated equivalent approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, Public Law 104-13, May 22, 1995, 109 Stat. 163 (44 USC 3501-3520). To facilitate this data collection program, vessel operators are classified by domicile within Corps districts. With the exception of vessel operators domiciled within the Ohio River Division (Pittsburgh, Huntington, Louisville, and Nashville Districts) all vessel operation reports are to be filed with the USACE at the address specified below:

U. S. Army Corps of Engineers
Waterborne Commerce Statistics Center
P. O. Box 61280
New Orleans, LA 70161-1280

a. "Ohio River Division (ORD)." Vessel operators with domicile within ORD (Pittsburgh, Huntington, Louisville, and Nashville Districts) are required to file vessel operation reports with the Huntington District at the address specified below:

District Commander
U. S. Army Engineer District, Huntington
Corps of Engineers
Attn: CEORH-PD-C
502 Eighth Street
Huntington, WV 25701-9959

b. For movements with cargo, the point of loading and the point of unloading of each individual commodity must be delineated.

c. Cargo moved for the military agencies in commercial vessels is reported as ordinary commercial cargo; military cargo moved in Department of Defense vessels is not collected.

d. Filing Requirements. Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (PL 99-662) mandates the following:

(1) Except as provided in paragraph 5-5d(2)(c),(d),(e), of this manual, the person or entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is filed in a timely manner.

(a) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(b) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is reported in a timely manner.

(2) The "Vessel Operation Reports (VORs)" are to include the following information:

(a) All movements of domestic waterborne commercial vessels shall be reported, including but not limited to: dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(b) Vessels idle during the month must also be reported.

(c) Movements of supplies, materials, and crews to or from the construction site must be reported in a timely manner. Movements of vessels exclusively engaged in construction (e.g., pile drivers and crane barges) need not be reported.

(d) Vessel and dredge movements of dredged material (shell, sand, or gravel) dredged exclusively for sale or for beneficial purposes (e.g., land development, beach nourishment) must be reported to WCSC. Movements of dredged material resulting from routine channel maintenance or new construction and the movement of dredges to and from the dredging site need not be reported.

(e) Movement of recreational vessels, fire, police, patrol vessels, and those granted written exception by WCSC need not report.

(3) ENG Forms 3925, 3925B, 3925P or an authorized automated equivalent shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the month; (e.g., trip started 29 January and completed 10 February should be included for the month of February and filed before 31 March). Vessels that did not complete a move during the month shall be reported as idle or in transit.

(4) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by WCSC, the company may be allowed to provide the requisite VORs on an authorized automated equivalent such as computer printouts, magnetic tape, diskettes, or alternate medium approved by the WCSC.

(5) Harbor Maintenance Tax information is required for cargo movements into or out of ports that are subject to the provisions of Section 1402 of the Water Resources Development Act of 1986 (PL 99-662).

(a) The name of the shipper of the commodity, and the shipper's Taxpayer Identification Number (TIN) or Social Security Number (SSN), must be reported on the form.

(b) If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

e. Reporting situation. A commercial vessel movement by an operator is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. The following are five typical vessel movements that are required to be reported by vessel operating companies where Company A is the barge owner, and the barge transports corn from Minneapolis, Minnesota, to New Orleans, Louisiana, with fleeting at Cairo, Illinois:

(1) LEASE/CHARTER: If Company A leases or charters the barge to Company B then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(2) INTERLINE MOVEMENT: A barge is towed from Minneapolis to Cairo by Company A and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased, Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(3) VESSEL SWAP/TRADE: Company A swaps barge with Company B to allow Company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(4) RE-CONSIGNMENT: Barge is re-consigned to Mobile, Alabama. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is re-consigned is not reported, only points of loading and unloading.

(5) FLEETING: Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from the fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movement.

f. Towboat Reporting. A towboat operated between fixed points may be reported in terms of the total number of round trips completed during the month. For a towboat not operated between fixed points, its movements are reported in each direction during the calendar month. Note especially, however, that only those movements which have been completed in each direction during the calendar month are to be reported for that month. To avoid crediting a waterway with double the number of trips actually made, a towboat moving in a given direction which has not reached its final or planned destination at the end of the month should not be reported until the following month. For example, if a towboat traversed half the distance of a waterway stretch by the end of January and was reported for January and then again picked up in the February report for remainder of the stretch, two trips would be reported for this waterway when actually only one trip occurred.

g. Reporting Forms.

(1) ENG Form 3925 - Vessel Operation Report. Statement of Freight and Passengers Carried, submitted principally by operators of deep-draft vessels. The type of information collected monthly on this form includes the following:

(a) VESSEL DATA

1 - TRIP NUMBER

2 - YEAR

3 - TYPE OF VESSEL

4 - NAME AND NUMBER OF VESSEL

5 - NET REGISTERED TONS (NRT)

6 - FLAG

(b) CARGO DATA - LOADED AT AND DISCHARGED AT: (Fleeting areas should not be reported unless a vessel is loaded or unloaded at a fleeting area. If a loaded barge is left at a fleeting area for a future move to unload at a terminal, give the terminal as the destination. If a barge is loaded at a terminal and then moved to a fleeting area for future pick up, give the loading terminal as the origin.)

1 - PORT OR LOCALITY

2 - DOCK

3 - DATE

4 - ACTUAL DRAFT

(c) UNLOADED CARGO DATA - COMMODITY INFORMATION:

1 - COMMODITY - if the commodity is passengers the units field will indicate the number of passengers being transported.

2 - QUANTITY

3 - UNIT

4 - WEIGHT PER UNIT

5 - NET TONS

(d) HARBOR MAINTENANCE TAX INFORMATION: Vessel operating companies reporting domestic movements of commodities on a vessel transiting channels in U. S. Customs, ports subject to the Harbor Maintenance Tax (HMT) must also report the shipper information (name of shipper and the shipper's IRS or SSN, or an exemption code). Reference the Water Resources Development Act of 1986, PL 99-662 Title 14; 19 CFR Parts 3, 24, 146, and 178 (U. S. Customs). (Also see Corps Federal Register Announcement dated 25 March 1987; U. S. Customs Service Federal Register Announcement dated 30 March 1987 and amended in a Federal Register Announcement dated 14 July 1987). The HMT information must be provided for each commodity carried. If the commodity movement is exempt from the fee because of one of the exemptions given with directions to complete the forms, the applicable exemption code must be entered in the last column of the form and the name of the shipper and the shipper's IRS number (or SSN) may be omitted. If the commodity movement is not exempt, then the shipper's name and IRS number (or SSN) must be entered on the form.

NOTE: The "shipper" is defined as the company or person paying the freight charges to the vessel operating company. The shipper should provide the vessel operating company all information necessary to fill in the user fee information items.

(e) ALTERNATE CHANNELS: When more than one route is possible, the vessel operator is required to identify alternate channels used.

(2) ENG Form 3925B - Vessel Operation Report. Optional Form for Use by Inland Waterways Operators in lieu of ENG Form 3925, submitted monthly by inland and intracoastal operators. ENG 3925B allows the operator to report vessel movements of several vessels (up to 10) on one form. Multiple trips for the same vessel may also be recorded on one line of this form provided the origin, destination, commodity, and alternate channels used are the same. The type of information collected on this form includes the following:

(a) VESSEL DATA:

- 1 - NUMBER OF TRIPS
- 2 - VESSEL NAME
- 3 - COAST GUARD NUMBER
- 4 - VESSEL TYPE

(b) VESSEL ORIGIN/DESTINATION INFORMATION:

- 1 - PORT NAME
- 2 - DOCK NAME
- 3 - RIVER, MILE, AND BANK
- 4 - DATE (MONTH/YEAR)

(c) SERVICE - For each cargo movement the service code will be provided in this field. The service codes are defined below:

- 1 - if carriage is regulated by the Interstate Commerce Commission.
- 2 - if carriage is for compensation but exempt from regulation by the Interstate Commerce Commission.
- 3 - if carriers, goods are being transported in their own vessels.
- 4 - if unknown

(d) CARGO DATA:

- 1 - COMMODITY

2 - TONS

3 - ALTERNATE WATERWAYS: When more than one route is possible, the vessel operator is asked to identify the alternate channels used.

(e) CONTAINERS AND CONTAINERIZED CARGO - The cargo being transported in containers must be delineated by commodity type and tonnage. If empty containers are being transported the entry under commodity type will be "Empty Containers" and the weight of the empty containers will appear in the tonnage field.

(3) ENG Form 3925P - Vessel Operation Report. Optional Form for use by Passenger Operators, in lieu of ENG Form 3925, submitted monthly by passenger vessel operators. ENG Form 3925P is designed to facilitate the completion of the required information by passenger vessel operators. The vessel type "1", commodity code "00040" and the service code "2" are printed on the form. The vessel operator is not required to enter these data. The form will allow the submission of multiple moves for the same vessel to and from a turn around point. The type of information collected on this form includes the following:

(a) VESSEL DATA:

- 1 - YEAR
- 2 - VESSEL TYPE - Encoded as "1"
- 3 - NAME AND NUMBER OF VESSEL
- 4 - NET REGISTERED TONS (NRT)
- 5 - COAST GUARD NUMBER

(b) CARGO DATA:

- 1 - NUMBER OF TRIPS
- 2 - PORT OR LOCALITY NAME
- 3 - DOCK NAME
- 4 - DATE (MONTH AND DAY)
- 5 - ACTUAL DRAFT
- 6 - TURN AROUND POINT
- 7 - SERVICE - Encoded as "2" (Exempt, for hire)

(c) PASSENGER DATA

- 1 - COMMODITY CODE - Encoded as "00040: for passengers

2 - NUMBER OF PASSENGERS

3 - ALTERNATE WATERWAYS - When more than one route is possible, the vessel operator is asked to identify the alternate channel used.

(d) HARBOR MAINTENANCE TAX INFORMATION: Same as ENG Form 3925

(4) ENG Form 3926 - Record of Arrival and Departure of Vessels at Marine Terminals. Submitted by dock or wharf operators upon request of WCSC on a voluntary basis. Submission of this form will be requested only when and if essential to ensure adequate and correct coverage of vessel movements in United States harbors and channels.

(a) WHARF OR DOCK - The name of the facility making the report to WCSC.

(b) PORT OR LOCALITY - The location or port name where the facility is located.

(c) NAME OF VESSEL - Self-explanatory.

(d) TYPE OF VESSEL - Defined in directions

(e) VESSEL ARRIVAL/DEPARTURE

(1) DATE - The month and year that the vessel arrived or departed.

(2) UNLOADED/LOADED CARGO - The entry for this field is either a "YES" or "NO" to indicate that the vessel unloaded and/or loaded cargo at the facility.

(3) FOREIGN, DOMESTIC, OR BOTH - Indicate the type of cargo handled.

(f) REMARKS - This field is usually used to provide the tonnage of cargo handled.

h. Waterborne Transportation Lines Survey. The WCSC will conduct an annual survey of vessel operators within the United States. ENG Forms 3931 and 3932 described below will be used to conduct the survey. The data collected are designed to take a snapshot picture of the status of the domestic vessel fleet as of the last day of each calendar year and to provide a quality control feature for the verification of the filing requirements of ENG Forms 3925 and 3925B, and 3925P or an authorized automated equivalent. ENG Forms 3931 and 3932 should be filed in accordance with the procedures set forth in paragraph 5-5, page 5-3.

(1) ENG Form 3931 - Description of Vessels. The following information is collected annually on this form:

(a) OPERATOR NAME, TELEPHONE NUMBER, AND ADDRESS - This should be the individual, company, or corporation operating the vessel or vessels.

(b) VESSEL NAME OR NUMBER AND COAST GUARD NUMBER - The vessel name or number listed in this block should be identical to that shown on the vessels, or on registration papers.

(c) **VTCC CODE** - The VTCC Code that most appropriately describes the vessel is given here. The VTCC Code represents the alphanumeric code for the vessel type, construction, and characteristics. The definitions and explanations of vessel type, construction, and characteristics (VTCC Code) are listed on ENG Form 3932 (Description of Operations). For example, if the type of vessel is a self-propelled tanker, constructed of steel and was characterized as a liquid bulk tanker, the VTCC Code would be 2A22.

(d) **NET REGISTERED TONNAGE** - The net registered tonnage for each vessel is provided here. This information is provided on the registration papers; otherwise, it may be determined as the volume of space available for the accommodation of passengers and the stowage of cargo expressed in units of 100 cubic feet per each net registered ton.

(e) **LENGTH, BREADTH, AND DRAFT** - The dimensions, registered and overall, and the drafts, loaded and light, of the vessel should be reported in feet to the nearest tenth, (e.g., 155.2; 8.1; 2.9; etc.).

(f) **HORSEPOWER** - The horsepower as given in Merchant Vessels of the United States. If not listed therein, this represents the rated horsepower as given on the official Certificate of Documentation (U.S. Coast Guard).

(g) **CARGO CAPACITY** - The fully loaded capacity in short tons (2,000 lbs.) is provided where practicable. Otherwise, the commodity carried, capacity of the vessel in the commodity unit of measurement (gallons, bushels, etc.), and weight per unit of measurement may be provided.

(h) **HIGHEST FIXED POINT ON VESSEL** - This is given as the distance between the waterline of the vessel, when light, and the highest fixed point on the vessel. If the highest point of the vessel is a hinged stack or retractable pilothouse, then it is given as distance to hinge or top of pilothouse in lowered position.

(i) **CARGO HANDLING EQUIPMENT** - Permanent fixtures are given such as cranes, derricks, hoists, pumps, etc. Also given are the handling capacity and type of power used to operate the equipment such as steam, electric, diesel, etc.

(j) **VESSEL OPERATING BASE** - This is the name of the city or locality which is the operating headquarters of the vessel.

(k) **YEAR BUILT OR REBUILT** - This will indicate the year in which the vessel was built. If the vessel was rebuilt, the year rebuilt will be followed by an asterisk (*).

(2) **ENG Form 3932 - Description of Operations.** The following information is collected on this form:

(a) **OPERATOR NAME, TELEPHONE NUMBER, AND ADDRESS** - This should identify the individual, company, or corporation operating the vessel or vessels.

(b) **SERVICE - Use Code:**

1 - if carriage is regulated by the Interstate Commerce Commission.

2 - if carriage is for compensation but exempt from regulation by the Interstate Commerce Commission.

3 - if carriers' goods are being transported in their own vessels.

9 - if unknown

(c) **PRINCIPAL COMMODITIES CARRIED** - This should identify the commodities carried by vessels being operated.

(d) **POINTS OR LOCALITIES AND WATERWAY ON WHICH VESSEL MOVEMENTS TAKE PLACE** - This identifies the general area in which activity is conducted.

5-6. Violation Procedures. Appendix R delineates explicitly that which constitutes an offense and violation of this reporting requirement. In the event of a reporting violation, the Director, WCSC, will bring it to the attention of the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day grace period, appropriate civil or criminal actions may be undertaken by the Army Corps of Engineers, up to and including the proposal of civil or criminal penalties for non-compliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Director, WCSC. For the vast majority, however, penalties incurred as a result of a violation are civil action penalties. The Director, WCSC, assesses their gravity and consequences. Assessment and processing procedures involve the following:

a. Authorization to assess a civil penalty. The Director, WCSC, assesses a civil penalty in accordance with the Class I penalty provisions of 33 CFR Part 326. Provided, however, that the procedures in the CFR Part 326 specifically implementing the Clean Water Act [33 USC 1319(g)(4)], public notice, comment period, and state coordination, shall not apply.

b. Initiation of a civil penalty order. Upon assessment of a civil penalty, the Director, WCSC, prepares a proposed civil penalty order, including a statement on the assessed penalty, the rationale leading to it, and the application provisions of 33 CFR Part 326.

c. Recourse available to the recipient of a civil penalty order. The recipient of a proposed civil penalty may prepare a written request for a hearing or other provision, in accordance with 33 CFR Part 326, addressed to the Director, WRSC, Casey Building, Fort Belvoir, VA 22060-5586. Following the hearing or other review of the case, the Director, WRSC will act according to what has transpired. In all cases, the Director is expected to provide the violator a reasonable opportunity to redress or explain the violation. Thereafter, the Director, WRSC, will issue a final order.

d. Authorization to initiate criminal action order. The Director, WRSC has the authority to refer certain violations to the local U.S. Attorney for prosecution, penalty collection, injunction, or other appropriate action.

5-7. Release of Data.

a. The USACE policy on the release of waterborne commerce statistics can be found in 33 CFR 209.320 and will be followed throughout the collection and publication process of these

data bases. Data released by the Corps to state and local government agencies, private companies, and the general public are done in accordance with the Freedom of Information Act (5 USC 552) and the Paperwork Reduction Act (44 USC 3501-3520).

b. The WCSC will not release any data or information furnished by vessel operators and others with the understanding that it will not be disclosed, except in compilation form. Any request for information or data not in compilation form which could identify the commercial activity of specific companies or persons that supplied the data to the USACE will be handled in accordance with the procedures pertaining to release of information under the Freedom of Information Act (5 USC 552) and the Paperwork Reduction Act (44 USC 3501-3520) giving due regard to the proprietary nature of this information.

c. All exchanges of data by the WCSC, to other agencies except those under the Freedom of Information Act, will be accompanied by the following legend:

NOTICE OF RESTRICTED DATA

USE OF DATA LIMITED

Information contained in this data has been furnished to the WCSC with the understanding that it will not be further disclosed except in compilation form. This data is being furnished to you with that expressed understanding. Accordingly, you are under an obligation to protect the data from release.

The data shall be handled in accordance with established Government procedures for safeguarding proprietary information against unauthorized disclosure. Government employees are subject to the sanction in 18 USC 1905 for unauthorized disclosures.

5-8. Release Statement. In the preparation of a news release, report, or bulletin using data extracted from WCSC publications (Appendix P), the following statement will accompany each report or release, "In reproducing, wholly or in part, the data contained herein, indicate source: Corps of Engineers, U.S. Army."

5-9. Data Retention.

a. Once the final Waterborne Commerce of the United States publication is distributed, the original ENG Forms 3925, 3925B, 3926, and equivalents may be destroyed.

b. Once the final Waterborne Commerce Transportation Lines of the United States publication is distributed, the original ENG Forms 3931 and 3932 may be destroyed.

c. The encoded data obtained on ENG Forms 3925, 3925B, or an authorized automated equivalent will be archived on electronic media and retained indefinitely. This archive will contain data from 1970 to the most recent completed calendar year.

5-10. Approval Required to Add, Modify, or Delete Tables from the Waterborne Commerce of the United States.

a. The district commanders are the primary initiating authority for additions, modifications, or deletions of Corps of Engineer projects that appear in the Waterborne Commerce of the United States (WCUS), Parts 1 - 4 tables. The district engineer will forward, through the division engineer, the initial request and statement of justification of said changes through the Director, WCSC, to the Director, NDC, the approving authority.

b. The WCSC may also initiate recommendations for additions, modifications, or deletions to Corps of Engineers projects as they appear in Waterborne Commerce of the United States, Parts 1 - 4 tables. The recommendations must be coordinated with the district commander of the affected district and approved by the Director, NDC.

c. Proposed changes to the Waterborne Commerce of the United States, Part 5 must be approved by the Director, NDC.

d. Any change to the definition of a port area or the establishment of a new port area must meet one of the following criteria:

- (1) Port limits defined by legislative enactments of state, county, or city governments.
- (2) The corporate limits of a municipality.

e. The petitioning party must forward the initial request for an addition or change to port definitions to the Director, WCSC. Said request must include a statement of justification and citation of authority in response to criteria mentioned above. Denials may be appealed to the Director, WRSC.