Supporting Statement for Paperwork Reduction Act Submissions
Registrants Inventory of Drugs Surrendered
DEA Form 41
OMB Approval # 1117-0007

Part A. Justification

1. Necessity of Information:

Section 1307.21 of Title 21 of the Code of Federal Regulations requires any person in possession of any controlled substance, which he desires, or is required to dispose of, to contact the DEA Special Agent in Charge for instructions as to how to dispose of the substance. The substance is required to be listed on a DEA Form 41. This form is also used to report the breakage or spillage of controlled substances in the possession of a registrant. This documentation is necessary to properly control the disposal of controlled substances, to prevent their diversion, and to account for the disposition of the substance(s).

2. Needs and Uses:

The DEA Form 41 provides the Drug Enforcement Administration with a control mechanism over the disposal of controlled substances. Only upon the specific approval of the Special Agent in Charge may controlled substances listed on the DEA-41 be destroyed by a non-registrant or a registrant. The DEA-41 is reviewed by DEA Field Offices upon receipt. The form provides a uniform reporting method to cover the destruction of controlled substances. Without the form, accountability of the registrant's disposal of controlled substances would be impossible, representing a diversion potential.

3. Use of Technology:

Currently, the DEA Form 41 is available for download on the DEA Diversion Control Program web site at http://www.deadiversion.usdoj.gov. The form is partially interactive—registrants complete the form online, print it, sign it and transmit it to DEA. DEA is working to make this form fully interactive, allowing for electronic submission.

4. Efforts to Identify Duplication:

There is no duplication, since the program is unique to DEA.

5. Methods to Minimize Burden on Small Businesses:

This collection does not have a significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

6. Consequences of Less Frequent Collection:

This form is completed and submitted to DEA only under specific circumstances (the voluntary destruction of controlled substances, or the breakage, spillage or other explained loss of those controlled substances). The form contains essential controlled substance accountability information required by law.

7. Special Circumstances Influencing Collection:

The collection of this information must take place upon each occurrence of controlled substance destruction as mandated by law to maintain a closed distribution system for controlled substances. Thus, forms are completed as needed, which may be more frequently than quarterly. There are no other special circumstances applicable to this collection.

8. Reasons for Inconsistencies with 5 CFR 1320.6:

There are no circumstances that require the collection of data that would be inconsistent with the guidelines set forth in 5 CFR 1320.6. DEA meets regularly with the affected industry to discuss policies, programs and regulations.

DEA did not receive any comments concerning this collection.

9. Payment or Gift to Claimants:

There are no such gifts or payments to respondents.

10. Assurance of Confidentiality:

This information collection does not request provision of confidential information.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Reporting is required on DEA Form 41

Number of respondents: 22,500
Frequency of response: As needed
Average annual responses: 22,500
Average time per response: 30 minutes
Total Annual burden: 11,250 hours

Cost to Respondent:

22,500 respondents @ 30 minutes per response x 1 average response @ $10 per burden hour = $112,500.00
Mailing 22,500 responses @ $0.41 per response = $9,225.00

TOTAL COST TO RESPONDENTS: $121,725.00

This estimate is based on the population of the regulated industry participating in this business activity. There are no costs associated with this information collection aside from the $10 hourly charge businesses would experience to fulfill this information collection.

13. Estimate of Cost Burden:

There is no cost burden beyond those which exist in the normal course of business and those burden hours listed above.

14. Estimated Annualized Costs to Federal Government:

Estimated Annual Cost to Federal Government:

18 GS-11 (5% of time): $66,053.37
18 GS-6 (5% of time): $40,165.56

TOTAL COST TO GOVERNMENT: $68,333.40

There is no actual cost to the Government for this activity as all costs are recovered from the registrants through registration fees, as required by the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993.

15. Reasons for Change in Burden:

Changes reflect population adjustments.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, DEA is seeking approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Part B. Statistical Methods

The Drug Enforcement Administration does not employ statistical methods in this information collection.