

Department of Transportation
Office of the Secretary
SUPPORTING STATEMENT
49 CFR Part 40
Procedures for Transportation Workplace
Drug and Alcohol Testing Programs

Justification

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

Five of the Department's Operating Administrations (OA) – Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) – require drug and alcohol testing for safety-sensitive employees in their regulated industries. With few exceptions, however, all the drug and alcohol tests performed under the five OA regulations are conducted using a single source of drug and alcohol testing procedures – 49 CFR Part 40. The Office of the Secretary of Transportation (OST) is the proponent of Part 40.

The Department of Transportation (DOT) first published drug testing procedures – 49 CFR Part 40 – on November 21, 1988 [53 FR 47002] as an interim final rule and a year later on December 1, 1989 issued a final rule [54 FR 49852]. Part 40 prescribed the technical testing process that had to be adhered to by those required to implement existing OA drug testing regulations.

On October 28, 1991, the President of the United States signed Public Law 102 - 143, the Omnibus Transportation Employee Testing Act of 1991 (“the Act”) [Appendix A]. The Act compelled the Department to prescribe regulations that would require testing of safety-sensitive employees in the aviation, highway, rail, and transit industries. The Act specifically mandated, among other things, privacy in collection techniques, incorporation of Department of Health and Human Services' (HHS) mandatory guidelines for drug testing and comparable safeguards for alcohol testing, collection of split samples of body fluid specimens, and confidentiality of test results. It required pre-employment, random, post-accident, and reasonable suspicion testing. Regulations prescribed by the Act needed to include provisions for identification of, and opportunity for treatment for, covered employees in need of assistance due to misuse of alcohol or illegal use of controlled substances.

The Act required changes to Part 40 (e.g., split specimen testing for drugs and provisions for alcohol testing) and to some of the OA regulations. The changes to Part 40, as directed by the Act, were published on February 15, 1994 [59 FR 7340].

In December 2000 [65 FR 79462], Part 40 was revised to produce a cleaner, better organized, simpler-to-follow rule that incorporated the most important guidance and interpretations and dealt creatively with numerous changes in the transportation and testing industries. It also served to introduce procedures designed to strengthen the quality and integrity of the testing program.

Overall, Part 40 directs the activities of numerous persons in the drug and alcohol testing process. Among these are transportation employees and employers, as well as, service agents – urine collectors, forensic laboratory testing personnel, Medical Review Officers, Breath Alcohol Technicians, Screening Test Technicians, and Substance Abuse Professionals.

DOT Goal: The ODAPC regulation and these paperwork burdens support three Department of Transportation goals – the Safety Strategic Objective; the Security Measures; and the Environmental Stewardship Strategic Objective. The regulatory requirements help promote the safety of the traveling public by working toward the elimination of drug and alcohol related transportation deaths and injuries; the security of Americans by working toward ensuring that transportation employees are not hindered by drug and alcohol abuse; and protecting the natural environment by working toward reduction of drug and alcohol use being factors in toxic spills and releases.

2. Indicate how, by whom, and for what purpose the information is to be used, and the actual use made of the information.

Part 40 required the collection of information from a variety of transportation employers, employees and service agents. To ensure the required quality (e.g., privacy, accuracy and confidentiality) of the drug and alcohol testing services provided, OST requires documentation in the collection of urine, breath, and saliva specimens; screening and confirmation of specimen tests; the medical review of results; and the treatment recommendations for those testing positive for drug use or alcohol misuse. This information is used by employers and Department representatives to ensure that those testing positive are removed from safety-sensitive functions, that program problems are immediately identified and corrected, that quality assurance efforts are working, that security and privacy measures are upheld, and that the fairness and credibility of the Department's testing efforts are maintained.

3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology. Also describe any consideration of using information technology to reduce burden.

The Department believes the increased use of electronic methods is both inevitable and beneficial. Since the program's inception, Part 40 was updated to permit scanned computer images for reporting drug and alcohol test results. The program also permits the electronic transmission of laboratory results reports to MROs and the electronic storage of certain testing data and information. Recently, the Department permitted employers to submit year end aggregate testing data via the Internet (Previous submissions were all completed by hand and mailed to the respective OAs). In our estimation, approximately 71% of the MIS reports were submitted electronically which represents .1% of the total responses.

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

This information does not readily exist elsewhere.

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

In the past, employers regulated by the Department's drug and alcohol testing regulations were in most instances required to submitted annual aggregate drug and alcohol testing statistics. This required the employer to complete a form and then mail or fax it to the respective regulating DOT OA. Recently, the Department has developed a computer-based application which permits employers to submit year end aggregate testing data electronically via the Internet. We estimate, approximately 71% of the MIS reports were submitted electronically.

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

Many DOT regulated employers rely on a number of persons or groups to coordinate and carry out their drug and alcohol testing responsibilities. Without this collection or by reducing the collection, program auditors and inspectors would not have information adequate to identify and address problems or compliance efforts in this safety program. In addition, legal chain-of-custody is imperative in ensuring that an individual's drug and alcohol test is an accurate reflection of the collection and testing event as well as in assigning a scientific result to a particular individual.

7. Explain any special circumstances that would cause an information collection that would be inconsistent with the guidelines in 5 CFR 1320.5(d)(2)(i) - (viii).

The information required is not in conflict with these guidelines.

8. If applicable describe efforts to:

Notify the public of information collection prior to OMB submission:

On March 17, 2008, the Office of Drug and Alcohol Policy and Compliance (ODAPC) published a 60-day notice in the Federal Register [73 FR 14300] Docket # OST-2008-0088], informing the public of ODAPC's intention to extend an approved information collection. Specifically, ODAPC solicited comments on whether the information collection is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.

We asked whether the Department's estimate of the burden of the proposed information collection was accurate and for ways to enhance the quality, utility, and clarity of the information to be collected. The Department sought ways to minimize the burden for those who would have to provide the information, including the use of automated collection techniques or other forms of information technology.

One response, which contained several comments, was made to the docket.

Discussion of Comments to the Docket

Comment:

The response supported the Department's use of the Alcohol Testing Form (ATF) to document an alcohol test and the Management Information System (MIS) form to document an employer's DOT testing data. The comments also supported the Department's estimate of burden hours associated with collection and handling each of the forms.

DOT Response:

The Department agrees with the commenter's statements about the use of the forms and about the burden hours. The forms will also contain DOT form numbers.

Comment:

Regarding the ATF, the commenter proposed several modifications to the ATF. The commenter suggested that we provide ODAPC's current address in the Paperwork Reduction section of the ATF. The responder wants the ATF to include a "Form ID" number and barcode. Other suggestions included having the Designated Employer Representative (DER) fax number on the form; widening the space used to affix the result printout; instructions that tamper evident tape should not obscure the printed results; and eliminate "legends" in the test result boxes;

DOT Response:

We will include updated Paperwork Reduction Act language with ODAPC's new address. We will also give serious consideration for an interpretation of §40.225(b) (1) that would permit tracking information and barcodes to be printed outside the boundaries of the form. We will also provide instructions on the reverse side of Page 3 of the ATF that tamper evident tape must not obscure the printed information. We will not eliminate the "legends" but will adjust and print them in a smaller font.

We believe that the other recommended change is not germane to the information collection notice. Before making a significant change to the ATF and part 40, such as adding a DER fax number [and part 40], we would need to present it in a Notice of Proposed Rulemaking in order to provide the public and alcohol testing industry an opportunity to comment on the value and need for the change. We would also note that the commenter's recommendation to add the DER's fax number stands as the only time the suggestion has been made.

We also believe that the goal of one recommended change can be accomplished without altering the form or the regulations. For example, if a results printout is too wide for the current space, it can be affixed to the back of the form, as instructions on the reverse side of page 3 of the ATF and an official part 40 interpretation currently note.

Comment:

Regarding the MIS form, the commenters supported the continued simplicity of the form and its “ONE-DOT” approach to collect data. They suggested that DOT provide DOT Agency specific information annually to help them identify testing trends.

DOT Response:

The MIS form will be updated to include updated Paperwork Reduction Act language and ODAPC’s new address.

The suggestion that ODAPC provide an annual report for all the DOT Agencies and USCG will continue to be their responsibilities. The MIS form, its design and instructions for completion, is a Part 40 responsibility. The actual form collection and data compilation requirements are and will remain under the authority of the DOT Agencies and USCG. We would note that the information is routinely available upon request from the DOT Agencies and USCG.

Consultations outside of agency to obtain other views:

OST has consulted with representatives from the Department’s OAs, HHS and service agent groups. OST regularly consults with service agents regarding their concerns with the regulations.

Consultations with representatives of the effected population:

OST regularly consults with DOT OAs, employers, and service agents regarding their concerns with the regulations.

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

There are no circumstances of any payments or gifts to respondents.

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

Some of the information to be collected contains information covered under the Federal Privacy Act and conditions of the provisions of privacy contained therein. The United States Supreme Court has upheld the privacy and confidentiality elements of the Department’s testing program and chain-of-custody procedures contained in the Part 40 procedures. Some information required of Part 40 can be released to third parties only after appropriate releases of information are signed.

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.

There are no issues pertaining to questions of this nature.

12. Provide estimates of the hour burden of the collection of information.

A. Total Number of Respondents: 2,783,195 (see table below for itemization)

B. Total Number of Responses: 6,751,580 (see table below and worksheets in Appendix E for an explanation)

1. Percentage of responses collected electronically: .1% (see item # 3 for explanation)

C. Total Annual Hours Requested: 695,300 (see table below and worksheets in Appendix E for an explanation)

Summary Table of Burden Estimates:

PRA Item	Number of Respondents	Number of Responses	Burden Hours	Salary Costs (\$)
Exemptions from Regulation Provisions Requests [40.7(a)]	1	1	3	81
Employer Stand-down Waiver Requests [40.21(b)]	10	10	80	2,160
Employee Testing Records from Previous Employers [40.25(a)]	663,137	1,964,178	261,890	7,071,949
Employee Release of Information [40.25(f)]	1,964,178	1,964,178	130,945	3,535,520
MIS Form Submission [40.26]	4,568	1,702	2,553	68,954
Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))*	5,000	5,000	333	9,000
Collector Error Correction Training Documentation [40.33(f)]	10,000	13,800	920	24,840
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	1	1	1	27

Semi-Annual Laboratory Reports to Employers [40.111(a)]	48	437,670	29,178	787,806
Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]*	3,630	3,630	242	6,534
MRO Review of Negative Results Documentation [[40.127(b)(2)(ii)]	11,000	345,000	23,000	621,000
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	11,000	69,000	4,600	124,200
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	11,000	48,300	3,220	86,940
DER Successful Contact Employee Documentation [40.131(d)]	40,000	47,817	3,187	86,070
DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	400	483	32	864
MRO Verification of Positive Result Without Interview Documentation [40.133].	483	483	32	864
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	0	0	0	0
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	0	0	0	0
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	15	15	1	27
Split Specimen Requests by MRO [40.171(c)]	4,000	5,175	345	9,315
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	61	61	4	117
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	4	4	1	27
Shy Bladder Physician Statements [40.193(f)]	690	690	58	1,552
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0	0	0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	8,000	69,000	9,200	248,400
Breath Alcohol Technician (BAT) / Screening Test Technician (STT)	2,000	2,000	133	3,600

(Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]**				
BAT/STT Error Correction Training Documentation [40.213(f)]	80	80	5	144
Complete DOT Alcohol Testing Forms [40.225(a)]	10,000	1,604,453	213,927	5,776,030
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	10,000	666	18,000
Shy Lung Physician Statements [40.265(c)(2)]	80	80	5	144
Alcohol Test Correction Statements 40.271(b)(1)&(2)	160	160	11	288
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation 40.281(c)&(d)*	3,334	3,334	222	6,000
Employer SAP Lists to Employees [40.287]	10,000	114,000	7,600	205,200
SAP Reports to Employers [40.311(c),(d) & (e)]	10,000	40,960	2,730	73,728
Correction Notices to Service Agents [40.373(a)]	5	5	5	135
Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	2	2	2	54
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	2	2	2	54
Service Agent Information to Argue PIE [40.379(b)(2)]	2	2	8	216
Service Agent Information to Contest PIE [40.381(a) & (b)]	2	2	8	216
Notices of PIE to Service Agents [40.399]	1	1	1	27
Notices of PIE to Employer and Public [40.401 (b) & (d)]	1	1	1	27
Service Agent PIE Notices to Employers [40.403 (b) & (d)]	300	300	150	4,050
TOTAL	2,783,195	6,751,580	695,300	18,774,160

* pro-rated over a 3 year period based upon frequency of training requirement

** pro-rated over a 5 year period based upon frequency of training requirement

The salary cost is based upon the Department of Labor's bureau of Labor Statistics average employee compensation hourly cost in 2006.

NOTE: See Appendix E for explanation worksheets

Supplemental Program Information:

A. Number of Employers Regulated by DOT's drug and alcohol testing program

FMCSA	650,000
FRA	650
FAA	6,900
FTA	3,137
PHMSA	2,450
Total	663,137

[Based on 2006 DOT Operating Administration data]

B. Number of Employees Regulated by DOT's drug and alcohol testing program

FMCSA	10,000,000
FRA	97,000
FAA	419,000
FTA	261,244
PHMSA	190,00
Total	10,967,244

[Based on 2006 DOT Operating Administration data]

C. Service Agents:

Urine Collectors	25,000
Laboratories	48
Medical Review Officers (MRO)	11,000
Substance Abuse Professional (SAP)	15,000
Breath Alcohol Technician (BAT) & Screening Test Technician (STT)	10,000

[Based on ODAPC and HHS data]

D. Drug Testing:

Drug Tests Annually	6,900,000
Laboratory Positive Rate	2.0%

Laboratory Positives	138,000
MRO Verified Positives	1.5%
Verified Positives	103,500

[Based on MIS and laboratory data]

E. Alcohol Testing:

Alcohol Tests Annually	1,604,453
Alcohol Positive Rate	.5%
Positive Tests	8,022

[Based on MIS and Industry data]

13. Provide estimates of total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no costs to the respondents.

14. Provide estimates of annualized cost to the Federal government.

There are no additional costs to the Federal Government.

15. Explain the reasons for any changes or adjustments reported in items 13 or 14 of the OMB form 83-1.

There have been no further program changes or adjustments to the data since 2007.

(See the table below for an itemization of the changes in burden hours)

PRA Item	Number of Responses	Burden Hours
Exemptions from Regulation Provisions Requests [40.7(a)]	2	6
New	1	3
Difference	1	3
Employer Stand-down Waiver Requests [40.21(b)]	1,000	8,000

New	10	80
Difference	990	7,920
Employee Testing Records from Previous Employers [40.25(a)]	2,215,914	284,922
New	1,964,178	261,890
Difference	251,736	23,032
Employee Release of Information [40.25(f)]	2,215,914	142,461
New	1,964,178	130,945
Difference	251,736	11,516
MIS Form Submission [40.26]	7,186	10,779
New	1,702	2,553
Difference	5,484	8,226
Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))	5,000	321
New	5,000	333
Difference	0	-12
Collector Error Correction Training Documentation [40.33(f)]	35,000	2,250
New	13,800	920
Difference	21,200	1,330
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	1	1
New	1	1

Difference	0	0
Semi-Annual Laboratory Reports to Employers [40.111(a)]	887,884	63,333
New	437,670	29,178
Difference	450,214	34,155
Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]	5,000	321
New	3,630	242
Difference	1,370	79
MRO Review of Negative Results Documentation [[40.127(b) (2)(ii)]	338,000	21,730
New	345,000	23,000
Difference	-7,000	-1,270
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	56,000	3,600
New	69,000	4,600
Difference	-13,000	-1,000
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	56,000	3,600
New	48,300	3,220
Difference	7,700	380
DER Successful Contact Employee Documentation [40.131(d)]	55,400	3,562
New	47,817	3,187
Difference	7,583	375

DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	600	39
New	483	32
Difference	117	7
MRO Verification of Positive Result Without Interview Documentation [40.133].	600	34
New	483	32
Difference	117	2
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	20	10
New	0	0
Difference	20	10
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	6	3
New	0	0
Difference	6	3
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	15	1
New	15	1
Difference	0	0
Split Specimen Requests by MRO [40.171(c)]	52,000	3,709
New	5,175	345
Difference	46,825	3,364
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	71	5

New	61	4
Difference	10	1
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	50	4
New	4	1
Difference	46	3
Shy Bladder Physician Statements [40.193(f)]	1,400	110
New	690	58
Difference	710	52
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0
New	0	0
Difference	0	0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	70,000	9,001
New	69,000	9,200
Difference	1,000	-199
Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]	2,000	129
New	2,000	133
Difference	0	-4
BAT/STT Error Correction Training Documentation [40.213(f)]	104	7

New	80	5
Difference	24	2
Complete DOT Alcohol Testing Forms [40.225(a)]	2,082,650	267,787
New	1,604,453	213,927
Difference	478,197	53,860
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	643
New	10,000	666
Difference	0	-23
Shy Lung Physician Statements [40.265(c)(2)]	104	7
New	80	5
Difference	24	2
Alcohol Test Correction Statements [40.271(b)(1)&(2)]	208	13
New	160	11
Difference	48	2
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation [40.281(c)&(d)]	3,334	214
New	3,334	222
Difference	0	-8
Employer SAP Lists to Employees [40.287]	150,000	9,644

New	114,000	7,600
Difference	36,000	2,044
SAP Reports to Employers [40.311(c),(d) & (e)]	230,000	16,406
New	40,960	2,730
Difference	189,040	13,676
Correction Notices to Service Agents [40.373(a)]	17	17
New	5	5
Difference	12	12
Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	10	10
New	2	2
Difference	8	8
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	8	8
New	2	2
Difference	6	6
Service Agent Information to Argue PIE [40.379(b)(2)]	7	28
New	2	8
Difference	5	20
Service Agent Information to Contest PIE [40.381(a) & (b)]	7	28
New	2	8

Difference	5	20
Notices of PIE to Service Agents [40.399]	7	7
New	1	1
Difference	6	6
Notices of PIE to Employer and Public [40.401 (b) & (d)]	7	7
New	1	1
Difference	6	6
Service Agent PIE Notices to Employers [40.403 (b) & (d)]	1,000	500
New	300	150
Difference	700	350
Total Old	8,482,526	853,257
Total New	6,751,580	695,300
Total Difference in burden hours	1,730,946	157,957

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The proposed information collection is not slated for publication.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain.

Testing for alcohol (and drugs) as required by the Omnibus Transportation Employee Testing Act of 1991, is considered a long-term program. There are currently no plans to modify the content of the information on the alcohol form or the method of conducting alcohol tests. With this in mind, the DOT considers this form one that will be used well into the future. An expiration date could, in and of itself, create a problem in the field for the technicians (e.g. an employee might refuse to take a test because it appears that the form is outdated). Also in order

to take advantage of the economy of scale, many printers of the form – including the Federal Government Printing Office – print this form in large quantities. An expiration date may unnecessarily reduce the value of these forms, and place an undue burden on employers to have more reprinted solely because of the date.

Similar to the alcohol testing form, the Management Information Form (MIS) has not been modified and there are no plans to modify the content of the form. The current form has not changed since its inception. The DOT considers this form one that will be used within the DOT Agencies and their regulated industries well into the future. The DOT Agencies would not want any employer to be out of compliance if they used an MIS form with the incorrect expiration date.

18. Explain each exception to the certification statement identified in item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB form 83-1.

Not applicable.

List of Appendices:

- A. Omnibus Transportation Employees Testing Act of 1991
- B. 49 CFR Part 40
- C. Part 40 ATF Form
- D. Part 40 MIS Form
- E. PRA Worksheets

APPENDIX A:
Omnibus
Act

Appendix B:

49 CFR Part 40

Appendix C:
Part 40
ATF Form

Appendix D:
Part 40
MIS Form

Appendix E:
PRA
Worksheets

PRA Cost Indicator Worksheet

PRA Task: *Exemptions from Regulation Provisions Requests*

Regulation Citation: *40.7(a)*

Narrative: Based upon past performance, we believe there will be few requests for exemptions to requirements in Part 40. We estimate that there will be 1 request per year and that each request will take approximately 3 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

Exemption Requests: 1 annually

Annual Burden Hours: 3

Annual Burden \$ Cost: \$81.00

PRA Cost Indicator Worksheet

PRA Task: *Employer Stand-down Waiver Requests*

Regulation Citation: *40.21(b)*

Narrative: Based upon data from the Department's Operating Administrations, there are 663,137 employers within the transportation industries. Operating Administration and ODAPC estimate that there will be 10 requests per year and that each request will take approximately 8 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

Waiver Requests: 10 annually

Annual Burden Hours: 80

Annual Burden \$ Cost: \$2,160.00

PRA Cost Indicator Worksheet

PRA Task; *Employee Testing Records from Previous Employers*

Regulation Citation: *40.25(a)*

Narrative: *Based upon MIS data from the Department's Operating Administrations, we estimated there are 1,964,178 safety-sensitive employees hired annually within the transportation industries. Employers will have to obtain drug and alcohol testing records from previous employers for each of these employees. Both the gaining employer and the previous employer(s) will have roles in this process. We estimate that each report will take approximately 8 minutes to document. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Record Requests: *1,964,178 annually*

Annual Burden Hours: *261,890*

Annual Burden \$ Cost: *\$7,071,040*

PRA Cost Indicator Worksheet

PRA Task: *Employee Releases of Information*

Regulation Citation: *40.25(f)*

Narrative: *Based upon MIS data from the Department's Operating Administrations, we estimated there are 1,964,178 safety-sensitive employees hired annually within the transportation industries. Employers will have to obtain drug and alcohol testing records from previous employers for each of these employees. Employees must sign releases of information before the information can be requested and provided. Both the employer and the employee will have roles in this release process. We estimate it will take approximately 4 minutes to write the release. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Releases of Information: *1,964,178 annually*

Annual Burden Hours: *130,945*

Annual Burden \$ Cost: *\$3,535,520*

PRA Cost Indicator Worksheet

PRA Task: *MIS Form Submission*

Regulation Citation: *40.26*

Narrative: Based upon data from the Department's Operating Administrations, there are 663,137 employers within the transportation industries. Depending on the Operating Administration regulations, some of these employers may be required to submit aggregate annual drug and alcohol testing data via the Drug and Alcohol Testing MIS Data Collection Form. Based on the MIS data, 10,382 companies were required to submit a completed MIS form. Of the 5,871 MIS reports submitted, 71% were submitted electronically. We estimate that it will take approximately 90 minutes to complete the form. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

MIS Form: 1,702 annually

Annual Burden Hours: 2,553

Annual Burden \$ Cost: \$68,954

PRA Cost Indicator Worksheet

PRA Task: *Collector (Qualification and Refresher) Training Documentation*

Regulation Citation: *40.33(b)&(e)*

Narrative: *Based upon collection industry and DOT data, there are approximately 25,000 urine collectors. This number has remained steady from year to year (as new collectors enter the field and seasoned collectors leave) for the past several years. All collectors must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer attesting to the error-free collections, Because training requirements are on a 5-year cycle, we have calculated the training documentation requirement pro-rated over a 5-year period. We estimate it will take 4 minutes to document the training. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Collector Training Documentation: *5,000 annually*

Annual Burden Hours: *333*

Annual Burden \$ Cost: *\$9,000*

PRA Cost Indicator Worksheet

PRA Task; *Collector Error Correction Training Documentation*

Regulation Citation: *40.33(f)*

Narrative: *Based upon laboratory data, we have determined that 6.9 million drug tests annually are accomplished under DOT authority within the transportation industries. Of these tests, laboratories report that approximately .2% have fatal errors caused by collectors. When such errors occur, collectors must receive training focusing upon the error that resulted in a canceled test Documentation of this training must be made and is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the person attesting to the error-free collections. We estimate it will take approximately 4 minutes to write the error-correction statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Collector Error Training Documentation: *13,800 annually*

Annual Burden Hours: *920*

Annual Burden \$ Cost: *\$24,840*

PRA Cost Indicator Worksheet

PRA Task: *Laboratory Reports to DOT Regarding Unlisted Adulterant*

Regulation Citation: *40.91(e)*

Narrative: *Based upon past performance, we believe there will be few new adulterants reported annually to DOT. We estimate there will be 1 per year and that each report will take approximately .5 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Unlisted Adulterant Reports: *1 annually*

Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

PRA Cost Indicator Worksheet

PRA Task: *Semi-Annual Laboratory Reports to Employers*

Regulation Citation: *40.111(a)*

Narrative: *Based upon data from the Department's Operating Administrations, there are 663,137 employers within the transportation industries. Approximately one-third of these employers are to receive a report (showing the drug testing accomplished) on a semi-annual basis from the laboratory they are using. Employers who do not conduct more than 5 tests during the 6-month period will not receive any report. We estimate it will take approximately 4 minutes to write the semi-annual report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Laboratory Reports: *437,670 annually*

Annual Burden Hours: *29,178*

Annual Burden \$ Cost: *\$787,806*

PRA Cost Indicator Worksheet

PRA Task: *Medical Review Officer (MRO) (Qualification and Continuing Education) Training Documentation*

Regulation Citation: *40.121 (c)&(d)*

Narrative: *Based upon industry and DOT data, there are approximately 11,000 MROs. All MROs must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 3-year cycle, we have calculated the training documentation requirement pro-rated over a 3-year period. We estimate it will take 4 minutes to write the letter or statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Training Documentation: *3,630 annually*

Annual Burden Hours: *242*

Annual Burden \$ Cost: *\$6,534*

PRA Cost Indicator Worksheet

PRA Task: *MRO Review of Negative Results Documentation*

Regulation Citation: *40.127(b)(2)(ii)*

Narrative: *Based upon industry and MIS data, there are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately 98%, or 6,762,000 are laboratory negative results. MROs are required to review 5% of these negative results per year and document that review by initialing the CCF. We estimate it will take approximately 4 minutes to document the review of a negative result. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Negative Results Reviews: *345,000 annually*

Annual Burden Hours: *23,000*

Annual Burden \$ Cost: *\$621,000*

PRA Cost Indicator Worksheet

PRA Task: *MRO Failure to Contact Donor Documentation*

Regulation Citation: *40.131 (c)(1)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.0% of all tests result in a confirmed laboratory positive result ~ 138,000 annually. MROs are required to contact all employees with a laboratory positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO is required to document the failed attempt. MROs report that they cannot contact the employee in approximately 50% of these instances. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Documentation: *69,000 annually*

Annual Burden Hours: *4,600*

Annual Burden \$ Cost: *\$124,200*

PRA Cost Indicator Worksheet

PRA Task: *MRO Effort to Contact DER Documentation*

Regulation Citation: *40.131 (c)(2)(iii)*

Narrative: There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.0 % of all tests result in a confirmed laboratory positive result – 138,000 annually. MROs are required to contact all employees with a laboratory positive result. When an MRO is unable to contact a employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee and document the event. MROs report that they must contact the employer in approximately 35% of these instances. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

MRO Documentation: 48,300 annually

Annual Burden Hours: 3,220

Annual Burden \$ Cost: \$86,940

PRA Cost Indicator Worksheet

PRA Task: *DER Successful Contact Employee Documentation*

Regulation Citation: *40.131(d)*

Narrative: There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.0% of all tests result in a confirmed laboratory positive result ~ 138,000 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. We estimate it will take approximately 4 minutes to write the documentation. Employers report being mostly successful in contacting the employee. We estimate, based upon contacts with employers and MROs, that 99% of those that must be contacted by the employer, are contacted. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

DER Documentation: 47,817 annually

Annual Burden Hours: 3,187

Annual Burden \$ Cost: \$86,070

PRA Cost Indicator Worksheet

PRA Task: *DER Failure to Contact Employee Documentation*

Regulation Citation: *40.131(d)(2)(i)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.0% of all tests result in a confirmed laboratory positive result - 138,000 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact a employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. Employers report being mostly successful in making contact with the employee. We estimate, based upon contacts with employers and MROs, that 1% of those that must be contacted by the employer, are unable to be contacted. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

DER Documentation: *483 annually*

Annual Burden Hours: *32*

Annual Burden \$ Cost: *\$864*

PRA Cost Indicator Worksheet

PRA Task: *MRO Verification of Positive Result Without Interview Documentation*

Regulation Citation: 40.133

Narrative: There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.0% of all tests result in a confirmed laboratory positive result – 138,000 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. Employers report being mostly successful in making contact with the employee. We estimate, based upon contacts with employers and MROs, that 1% of those that must be contacted by the employer, are unable to be contacted. This 1% will be reported as positive by the MRO. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

MRO Documentation: 483 annually

Annual Burden Hours: 32

Annual Burden \$ Cost: \$864

PRA Cost Indicator Worksheet

PRA Task: *Adulterant /Substitution Evaluation Physician Statements*

Regulation Citation: *40.145(g)(2)(ii)(d)*

Narrative: There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. When a drug test is reported by the laboratory as adulterated or substituted, the MRO must determine if the donor has a legitimate reason for presenting a specimen with such a result. If the MRO believes that a donor may have a medical condition causing such a result, the MRO must ensure that the donor has a physical examination verifying the condition. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. The physician, the MRO, and the employer all have roles in the process. We estimate each report will take 1/2 hour to write and that there will be no such reports. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

Physician Evaluation Documentation: 0 annually

Annual Burden Hours: 0

Annual Burden \$ Cost: \$0

PRA Cost Indicator Worksheet

PRA Task: *MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports*

Regulation Citation: *40.145(g)(5)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. When a drug test is reported by the laboratory as adulterated or substituted, the MRO must determine if the donor has a legitimate reason for presenting a specimen with such a result. If the MRO believes that a donor may have a medical condition causing such a result, the MRO must ensure that the donor has a physical examination verifying the condition. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. When the MRO believes that a legitimate reason exists, the MRO must cancel the test and report that to the DOT. We estimate each report will take 1/2 hour to write and that there will be no such reports. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Cancellation Reports: *0 annually*

Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0*

PRA Cost Indicator Worksheet

PRA Task: *Employee Admission of Adulterating / Substituting Specimen
MRO Documentation*

Regulation Citation: *40.159(c)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. A small percentage of specimens are untested due to their unsuitability for testing. MROs are required to contact all employees with an unsuitable test in order to determine if medical reasons exist for the result. According to MROs, some donors admit to either adulterating or substituting the specimen to cause the unsuitable test result. We know, based upon contacts with MROs that few of these admissions occur. We estimate that approximately 15 admissions occur annually. When they occur, MROs must document the fact and that it will take approximately 4 minutes to do so. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

.# MRO Documentation: 15 annually

Annual Burden Hours: 1

Annual Burden \$ Cost: \$27

PRA Cost Indicator Worksheet

PRA Task: *Split Specimen Requests by the MRO*

Regulation Citation: *40.171(c)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately 1.5% or 103,500 are verified by the MRO as being positive (for drugs, adulterants, or substitutions). Of these approximate 103,500 results, MROs report that approximately 5% of the employees request their split to be tested at a second laboratory. MROs are required to put requests for these additional tests in writing. We estimate it takes approximately 4 minutes to document the request. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Split Specimen Requests: *5,175 annually*

Annual Burden Hours: *345*

Annual Burden \$ Cost: *\$9,315*

PRA Cost Indicator Worksheet

PRA Task: *Split Failure to Reconfirm for Drugs Reports by MRO*

Regulation Citation: *40.187(b)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. If a split specimen fails to reconfirm the positive drug test result of the primary specimen, the MRO must report that to the DOT. We estimate it takes approximately 4 minutes for the MRO to write the report. Our data shows that there were 61 such reports made to ODAPC in 2005. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Reports: *61 annually*

Annual Burden Hours: *4*

Annual Burden \$ Cost: *\$117*

PRA Cost Indicator Worksheet

PRA Task: *Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO*

Regulation Citation: *40.187(c)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. If a split specimen fails to reconfirm the adulterant / substitution test result of the primary specimen, the MRO must report the failure to reconfirm to the DOT. Our data shows that there were 4 such reports made to ODAPC in 2005. We estimate it will take the MRO approximately 5 minutes to write the report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Reports: *4 annually*

Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

PRA Cost Indicator Worksheet

PRA Task: *"Shy Bladder" Physician Statement*

Regulation Citation: *40.193*

Narrative: There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. According to MROs and our experience with inquires on them, approximately one collection in 10,000 or .01% results in an employee not providing the adequate amount of urine. In such cases, the employee must be evaluated for having a medical or psychological condition that would have precluded the person from providing the requisite amount of urine. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. The physician, the MRO, and the employer all have roles in the process. We estimate it takes approximately 5 minutes for the evaluating physician to write the report to the MRO. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

"Shy Bladder" Evaluation Reports: 690 annually

Annual Burden Hours: 58

Annual Burden \$ Cost: \$1,552

PRA Cost Indicator Worksheet

PRA Task: *MRO Statements Regarding Physical Evidence of Drug Use*

Regulation Citation: *40.195(b)&(c)*

Narrative: *There are 6.9 million drug tests annually accomplished under DOT authority within the transportation industries. According to MROs, collection sites, and our experience with inquires on the matter, approximately one collection in 10,000 or .01% results in an employee not providing the adequate amount of urine. In pre-employment, return-to-duty, and follow-up testing situations, when the employee cannot provide an adequate amount of urine because of a permanent or long-term disability, a physician must conduct an evaluation to determine if the employee demonstrates signs and symptoms of drug use. If there is physical evidence of drug use, the MRO must provide the employer a statement accordingly. Our experience shows that there have been no circumstances, to this point in time, when an employee with this type of permanent disability also exhibits physical evidence of drug use. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

MRO Statements: *0 annually*

Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0*

PRA Cost Indicator Worksheet

PRA Task: *Drug Test Correction Statements*

Regulation Citation: *40.205(b)(1)&(2)*

Narrative: *Based upon MIS and laboratory data, we have determined that 6.9 million drug tests annually are accomplished under DOT authority within the transportation industries. Of these tests, laboratories and MROs report that approximately 1% have correctable errors. When such errors occur, they can be corrected by submission of correction statements from the individuals (usually collectors) who have made the errors. We estimate it takes approximately 8 minutes for the collector to document the event. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Correction Statements: *69,000 annually*

Annual Burden Hours: *9,200*

Annual Burden \$ Cost: *\$248,400*

PRA Cost Indicator Worksheet

PRA Task: *Breath Alcohol Technician (BAT) /Screening Test Technician (STT) (Qualification and Refresher) Training Documentation*

Regulation Citation: *40.213(b),(c)&(e)*

Narrative: *Based upon collection industry and DOT data, there are approximately 10,000 BAT/STTs. This number has remained steady from year to year (as new technicians enter the field and seasoned technicians leave) for the past several years. All technicians must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 5~year cycle, we have calculated the training documentation requirement pro-rated over a 5-year period. We estimate it will take approximately 4 minutes to document the training.*

BAT/STT Training Documentation: *2,000 annually*

Annual Burden Hours: *133*

Annual Burden \$ Cost: *\$3,600*

PRA Cost Indicator Worksheet

PRA Task; *BAT/STT Error Correction Training Documentation*

Regulation Citation: 40.213(f)

Narrative: *Based upon MIS and collector data, we have determined that 1,604,453 alcohol tests annually are accomplished under/DOT authority within the transportation industries. According to industry and OST estimates, a small portion of these tests .005%-have fatal errors caused by technicians. When such errors occur, technicians must receive training focusing upon the error that resulted in a canceled test. Documentation of this training must be made and is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the person attesting to the error-free tests. We estimate it takes approximately 4 minutes for the BAT/STT to write the letter or statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

BAT/STT Error Training Documentation: *80 annually*

Annual Burden Hours: 5

Annual Burden \$ Cost: \$144

PRA Cost Indicator Worksheet

PRA Task: *Complete the DOT Alcohol Testing Forms*

Regulation Citation: *40.225(a)*

Narrative: *Based upon MIS and industry data, we estimate there are 1,604,453 alcohol tests annually accomplished under DOT authority within the transportation industries. Each alcohol test must have a corresponding Alcohol Testing Form (ATF) which documents information related to the collection and testing of the saliva (for the screening test) or breath (for the screening test and the confirmation test). The STT and / or BA T, employee, and employer all have roles in filling out and / or filing and storing each ATF. We estimate it take the BAT/STT approximately 8 minutes to complete the ATF. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

#ATFs: 1,604,453 annually

Annual Burden Hours: 213,927

Annual Burden \$ Cost: \$5,776,030

PRA Cost Indicator Worksheet

PRA Task: *Evidential Breath Testing Device (EBT) Quality Assurance / Calibration Records*

Regulation Citation: *40.233(c)(4)*

Narrative: *The National Highway Traffic Safety Administration (NHTSA) requires that each approved evidential breath testing device (EBT) have a QA Plan developed by the manufacturer. We require that the collection site file and store the plan that was provided with their EBT(s) and create calibration records every time EBTs are calibrated. From industry and MIS data, we estimate that there are 10,000 EBT records generated annually. We estimate it takes the collection site personnel approximately 4 minutes to complete the calibration record. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

EBT Records: *10,000 annually*

Annual Burden Hours: *666*

Annual Burden \$ Cost: *\$18,000*

PRA Cost Indicator Worksheet

PRA Task: *"Shy Lung" Physician Statement*

Regulation Citation: 40.265 (c)(2)

Narrative: Based upon MIS and industry data, we estimate there are 1,604,453 alcohol tests annually accomplished under DOT authority within the transportation industries. According to employer, BA Ts and our experience with inquires on the matter, approximately one collection in 20,000 or .005% results in an employee not providing the adequate amount of breath. In such cases, the employee must be evaluated for having a medical or psychological condition that would have precluded the person from providing the requisite breath. The physician conducting the evaluation must provide a short written statement to the employer documenting the results of the examination. The physician and the employer have roles in the process. We estimate it takes the physician approximately 4 minutes to complete the statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

"Shy Lung" Reports: 80 annually

Annual Burden Hours: 5

Annual Burden \$ Cost: \$144

PRA Cost Indicator Worksheet

PRA Task: *Alcohol Test Correction Statements*

Regulation Citation: *40.271(b)(1)&(2)*

Narrative: *Based upon MIS and industry data, we estimate there are 1,604,453 alcohol tests annually accomplished under DOT authority within the transportation industries. Based upon industry and OST estimates, approximately .01% have correctable errors. When such errors occur, they can be corrected by submission of correction statements from the individuals (usually BATs and STTs) who have made the errors. We estimate it takes the BAT/STT approximately 4 minutes to complete the error correction statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Correction Statements: *160 annually*

Annual Burden Hours: *11*

Annual Burden \$ Cost: *\$288*

PRA Cost Indicator Worksheet

PRA Task: *Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation*

Regulation Citation: *40.281 (c)&(d)*

Narrative: *Based upon counseling industry and DOT data, there are approximately 10,000 SAPs. This number has remained steady for the past several years (as new SAPs enter the field and seasoned SAPs leave). All SAPs must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 3-year cycle, we have calculated the training documentation requirement pro-rated over a 3-year period. We estimate it takes approximately 4 minutes to complete the training statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

SAP Training Documentation: *3,334 annually*

Annual Burden Hours: *222*

Annual Burden \$ Cost: *\$6,000*

PRA Cost Indicator Worksheet

PRA Task: *Employer SAP Lists to Employees*

Regulation Citation; *40.287*

Narrative: *Employees who test positive for drugs and alcohol or who refuse a test are required to be evaluated by a SAP prior to being considered for return to a safety-sensitive transportation job. Employers are required to provide these employees with listings of qualified SAPs. Based upon MIS data, approximately 114,000 employees annually require the SAP process. We estimate it takes the employer approximately 4 minutes to document the list. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

SAP Lists: 114,000 annually

Annual Burden Hours: 7,600

Annual Burden \$ Cost: \$205,200

PRA Cost Indicator Worksheet

PRA Task: *SAP Reports to Employers*

Regulation Citation: *40.311(c), (d)&(e)*

Narrative: Employees who test positive for drugs and alcohol or who refuse a test are required to be evaluated by a SAP prior to being considered for return to a safety-sensitive transportation job. SAPs are required to provide reports regarding their initial evaluation and their follow-up evaluations to employers. Based upon MIS data, approximately 20,480 employees annually participate in the SAP process. We estimate it takes the SAP approximately 4 minutes to complete each report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.

SAP Reports: 40,960 annually

Annual Burden Hours: 2,730

Annual Burden \$ Cost: \$73,728

PRA Cost Indicator Worksheet

PRA Task: *Correction Notices to Service Agents*

Regulation Citation: *40.373(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. Each notice will take approximately 1 hour to write. Based upon past examples, DOT estimates that there will be 5 of these issued annually. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Notices: *5 annually*

Annual Burden Hours: *5*

Annual Burden \$ Cost: *\$135*

PRA Cost Indicator Worksheet

PRA Task; *Notice of Proposed Exclusions (NOPE) to Service Agents*

Regulation Citation; *40.375(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. Based upon past examples, DOT estimates that there will be 2 of these issued annually. Each NOPE will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Notices: 2 annually

Annual Burden Hours: 2

Annual Burden \$ Cost: \$54

PRA Cost Indicator Worksheet

PRA Task; *Service Agent Requests to Contest Public Interest Exclusions (PIE)*

Regulation Citation: 40.379

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate this request will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Requests: *2 annually*

Annual Burden Hours: 2

Annual Burden \$ Cost: \$54

PRA Cost Indicator Worksheet

PRA Task: *Service Agent Information to Argue PIE*

Regulation Citation: *40.379(b)(2)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate it will take will take 4 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Information to Argue PIE: *2 annually*

Annual Burden Hours: *8*

Annual Burden \$ Cost: *\$216*

PRA Cost Indicator Worksheet

PRA Task: *Service Agent Information to Contest PIE*

Regulation Citation: *40.381(a)&(b)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE, Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate it will take 4 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Information to Contest PIE: *2 annually*

Annual Burden Hours: *8*

Annual Burden \$ Cost: *\$216*

PRA Cost Indicator Worksheet

PRA Task: *PIE Notice Decisions to Service Agents*

Regulation Citation: 40.399

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rides and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. Based upon past examples, DOT estimates that there will be 1 of these submitted annually. We estimate it will take 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

PIE Notices: 1 annually

Annual Burden Hours: 1

Annual Burden \$ Cost: \$27

PRA Cost Indicator Worksheet

PRA Task: *Notices of PIE to Employers and Public*

Regulation Citation: *40.401(b)&(d)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. At this time, notice of the PIE will also be made to employers and the public in a Federal Register notice. Based upon past example, DOT estimates that there will be 1 of these made annually. This information will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Federal Register PIE Notices: *1 annually*

Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

PRA Cost Indicator Worksheet

PRA Task: *Service Agent PIE Notices to Employers*

Regulation Citation: *40.403(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. At this time, notice of the PIE will also be made to employers and the public in a Federal Register notice. Service agents receiving the PIE are required to notify all employers they serve. This information will take approximately 1/2 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2006.*

Service Agent Notices: *300 annually*

Annual Burden Hours: *150*

Annual Burden \$ Cost: *\$4,050*