

Supporting Statement for Paperwork Reduction Act Submission
Report of Theft or Loss of Controlled Substances
DEA Form 106
OMB Approval Number 1117-0001

Part A. Justification

1. Necessity of Information:

DEA Form 106 is designed to provide a format through which a DEA registrant reports a theft or loss of controlled substances as required by 21 U.S.C. 827 and 21 CFR 1301.74(c) and 1301.76(b). Information from the DEA 106 is also utilized by the Federal Bureau of Investigation, which is required to investigate certain controlled substance thefts (P.L. 98-305).

2. Needs and Uses:

The form is entitled “Report of Theft or Loss of Controlled Substances” and is designed to serve as a record for the registrant of his or her loss. It is used by the Drug Enforcement Administration for determining quantities of controlled substances diverted into the illicit market and for developing investigative leads. DEA serves as a resource for information required by the Controlled Substance Registrant Protection Act of 1984. There would be no uniform method of reporting and accounting for controlled substance losses and thefts as mandated by law without this form.

3. Use of Technology:

Currently, the DEA Form 106 is available both for download and to be filled and submitted electronically on the DEA Diversion Control Program web site at <http://www.deadiversion.usdoj.gov>. The downloadable form is partially interactive—a registrant will complete the form online, print it, sign it, and mail it to DEA. DEA estimates that DEA Form 106 will be filled 15% paper and 85% electronically.

4. Efforts to Identify Duplication:

There is no duplication by any other sources of the information provided on DEA Form 106.

5. Methods to Minimize Burden on Small Entities:

This collection does not have a significant economic impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

6. Consequences of Less Frequent Collection:

DEA Form 106 is submitted by registrants only when a theft or loss of controlled substances occurs. The form reflects essential information required by law.

7. Special Circumstances Influencing Collection:

The collection of information must take place upon each occurrence of theft or loss as mandated by law to maintain a closed distribution system of controlled substances. No other special circumstances are applicable to this collection.

8. Reasons for Inconsistencies with 5 CFR 1320.6:

There are no inconsistencies with the Paperwork Reduction Act. DEA meets regularly with the affected industry to discuss policies, programs and regulations. The 60 and 30 Day notices have been published in the Federal Register. 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:

Information requested in this collection may be considered confidential business information if marked as such in accordance with 28 CFR 16.8(c) and Exemption 4 of the Freedom of Information Act (FOIA). Submitters who are required to furnish commercial or financial information to the government are protected from the competitive disadvantages that could result from disclosure of such information. The information is protected by DEA through secure storage, limited access, and federal regulatory and DEA procedures. In the event a FOIA request is made to obtain information that has been designated business information per 28 CFR 16.8(c) and Exemption 4 of FOIA, DEA will give written notice to the submitter to allow an opportunity to object within a reasonable time prior to any disclosure by DEA.

11. Justification for Sensitive Questions:

Questions of a sensitive nature are not included in reporting requirements.

12. Estimate of Hour Burden:

DEA Form 106:

Number of Respondents: 7,677
Frequency of Response: As Needed
Average time per response: 20 Minutes
Total Annual Responses: 15,162 (12,933 Electronic/2,229 Paper Forms)

Total Annual Burden: 5,054 hours (20 minutes)

Electronic: 85% (4,311 hours)
Paper: 15% (743 hours)

DEA assumes that a transportation, storage, and distribution manager (SOC 11-3071) will complete the form on behalf of the registrant. The median hourly wage for that position according to the Bureau of Labor Statistics' 2009 Occupational Employment Statistics is \$38.22 (http://www.bls.gov/oes/current/oes_nat.htm). Therefore, the cost of burden hours is \$193,163.88.

13. Estimate of Cost Burden:

Cost to mail completed form: \$0.44 per form x 2,229 paper forms = \$980.76

These estimates are 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 \$0.44 cost to mail the completed form.

14. Estimated Annualized Costs to Federal Government:

Estimated annual cost to Government:

Personnel costs:

1 GS-14 (50% of time): \$61,432.96

Contract support: \$30,542

TOTAL COST TO GOVERNMENT: \$91,974.96

All costs to the government for operation of the Diversion Control Program, including the above costs, are recovered by DEA from registrants through registration fees, as required by the Department of Justice and Related Agencies Appropriations Act of 1993.

15. Reasons for Change in Burden:

There has been no program change. Changes in the number of respondents and responses vary with the number of thefts and losses reported to DEA

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

DEA is not seeking approval to not display the expiration date on forms. DEA will update the expiration date on Form 106 upon approval for renewal.

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.