

Supporting Statement A

Drug and Alcohol Testing Program for Personnel Engaged in Specified Aviation Activities OMB Control 2120-0535

Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States Final rule RIN 2120-AK09

Program Changes and Adjustments

The FAA Modernization and Reform Act of 2012 (the Act) mandates the FAA to include certain aviation entities located outside the territory of the United States into its requirement to conduct drug and alcohol testing.¹ As a result, the FAA issued a final rule, Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States, which requires certificated part 145 repair stations located outside the territory of the United States to implement a drug and alcohol testing program in accordance with 14 CFR part 120 and 49 CFR part 40 to cover their employees who perform safety-sensitive maintenance functions on part 121 air carrier aircraft. Alternatively, the final rule establishes a process for foreign governments, on behalf of certificated repair stations within their territories, and individual foreign repair stations subject to the rule to obtain the Administrator's recognition of a country or foreign repair station's existing requirements or testing program(s) promulgated under the laws of the country that contains minimum elements of 14 CFR part 120. Affected foreign repair stations that receive a recognition by the Administrator will be relieved from comprehensive compliance with subparts E and F of 14 CFR part 120 (in turn, providing relief from 49 CFR part 40) and will not need to seek further waivers or exemptions from 14 CFR part 120 or 49 CFR part 40.

Foreign repair stations that meet the requirements of the final rule by implementing a drug and alcohol testing program in accordance with 14 CFR part 120 and 49 CFR part 40 must obtain a Drug and Alcohol Testing Program Operations Specification (A449 paragraph) in FAA's Operations Specifications database. Additionally, these repair stations must report annual drug and alcohol testing program statistics through the Department of Transportation Drug and Alcohol Management Information System (DAMIS). Foreign repair stations that obtain recognition of their own program, or those that fall under the recognition obtained by their foreign government, will not obtain an A449 and will not report annual drug and alcohol testing program statistics through DAMIS.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

¹ See Pub. L. No. 112-95, § 308 (codified at 49 U.S.C. § 44733).

The FAA mandates specified aviation entities² to conduct drug and alcohol testing under its Drug and Alcohol Testing Program regulations (14 CFR Part 120), 49 USC 31306 (Alcohol and controlled substances testing), the Omnibus Transportation Employee Testing Act of 1991, and the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44733(d)(2)).

The FAA Extension, Safety, and Security Act of 2016 (2016 Act) and the FAA Reauthorization Act of 2024 (2024 Act) both reemphasized Congress's prioritization of drug and alcohol programs for foreign repair station employees who perform maintenance on part 121 air carrier aircraft. Specifically, section 302(b) of the 2024 Act directed the FAA to issue a final rule within 18 months of the date of the enactment of the 2024 Act that carries out the requirements of the 2016 Act. This final rule necessitates an update to this collection to account for these foreign repair stations.

This collection of information supports the DOT and FAA strategic goals for safety.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The drug and alcohol testing regulation requires part 119 certificate holders with the authority to operate under part 121 and 135, air tour operators as defined in 14 CFR § 91.147, non-FAA or Military Air Traffic Control Facilities, and contractors or domestic part 145 certificate holders that elect to implement a drug and alcohol testing program to report information to this collection. The final rule extends this requirement to part 145 certificate holders located outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft, and who obtain and implement a drug and alcohol testing program in accordance with 14 CFR part 120 and 49 CFR part 40. The FAA uses this information for determining program compliance or non-compliance by regulated aviation employers, oversight planning, determining who must provide mandatory annual MIS testing information, and communicating with entities subject to the program regulations. In addition, the information is used to ensure that appropriate action is taken regarding crewmembers and other safety-sensitive employees who have tested positive for drugs, engaged in prohibited alcohol related-conduct, or refused to submit to testing. The collection includes reporting, recordkeeping, and disclosure information. Using the information reported on the annual

² The regulations are applicable to entities listed under 14 CFR 120.1, which include part 121 or 135 air operators, air tour operators as defined in 14 CFR 91.147, non-FAA or Military Air Traffic Control Facilities, contractors or part 145 certificate holders located in the territory of the United States that elect to implement their own testing. The final rule adds all part 145 certificate holders outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft as an entity subject to the regulations listed under 14 CFR 120.1. However, as discussed herein, the final rule extends an alternative option to part 145 certificate holders outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft that have obtained recognition of a country's or foreign repair station's existing requirements or testing program(s) promulgated under the laws of the country as a compatible alternative to establishing a drug and alcohol testing program.

MIS allows the FAA Administrator to determine the random testing rates for the following year, which are published in the Federal Register.

In addition, foreign governments, on behalf of certificated repair stations within their territories, and individual foreign repair stations subject to the requirements of 14 CFR part 120 may submit information to this collection to seek the FAA Administrator's recognition of a country's or foreign repair station's existing requirements or testing program(s) promulgated under the laws of the country as a compatible alternative to establishing a drug and alcohol testing program. Such recognition is predicated on the establishment by the foreign government or repair station that its program contains minimum elements of 14 CFR part 120, which requires certain information be provided to the FAA so the FAA may determine the existing requirements or testing program(s) meet the regulatory elements. Affected foreign repair stations that receive a recognition by the Administrator will be relieved from comprehensive compliance with subparts E and F of 14 CFR part 120 (in turn, providing relief from 49 CFR part 40) and will not need to seek further waivers or exemptions from 14 CFR part 120 or 49 CFR part 40. All other foreign repair stations subject to the rule will be required to meet 14 CFR part 120 and 49 CFR part 40, subject to any waivers or exemptions that a repair station may obtain. Foreign repair stations subject to the rule must comply not later than three years after the date of publication in the Federal Register.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Since 2004, the Drug Abatement Division has required part 119 certificate holders with the authority to operate under part 121 and 135 and domestic part 145 repair stations that elect to implement their own drug and alcohol testing programs to certify their compliance by obtaining a drug and alcohol testing program paragraph (A449) in FAA's Operations Specifications System (OPSS). Because of the Act, which implemented 49 U.S.C. 44733, the FAA issued a final rule, Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States, which requires part 145 certificated repair stations located outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft, and who obtain and implement a drug and alcohol testing program in accordance with 14 CFR part 120 and 49 CFR part 40, to obtain an A449 paragraph as part of their Operations Specifications. Companies that possess the capability of transmitting information securely can make and amend these entries electronically. Others may mail, email or fax the information to be input by the FAA. In 2004, the DOT and FAA allowed electronic reporting of annual MIS data using the Drug and Alcohol Management Information System (DAMIS). Therefore, in reference to the Government Paperwork Reduction Act requirements, and as explained in the following paragraph, all respondents have the option to submit electronically, and most respondents choose to submit electronically.

Foreign governments or individual foreign repair stations that seek to obtain the Administrator's recognition of a country or foreign repair station's existing requirements or testing program(s) can make these requests electronically by email or may use mail or fax. All respondents have the option to submit electronically, and the FAA expects most respondents will choose to submit electronically.

Line 13.b.1. of the Paperwork Reduction Act Submission form, i.e., "Percentage of these responses collected electronically" refers to responses required in the form of reports to the FAA. Of the responses to items 2, 10, 11, 12 and 13 on the attached table, 80% are submitted to the FAA electronically. The remaining Paperwork Burden responses consist of recordkeeping and may be accomplished in any form (electronic or otherwise) that the respondents choose. The FAA estimates that a similar percentage of these responses (i.e., 80%) are maintained electronically as well.

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

No similar information exists.

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

Starting in 2004, the Drug Abatement Division reduced the paperwork burden on small businesses by simplifying the data requirements for certifying compliance by allowing electronic submission of their certification for compliance in OPSS and MIS reporting in DAMIS.

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

The data required for program registration is provided upon startup by each regulated company (and after three years if seeking renewal) and then amended only when significant program changes occur. The data required for program certification (e.g., A449) is provided upon startup by each regulated company and then amended only when significant program changes occur. If the FAA were unable to update company information, it would not be possible to stay current with the status of companies regulated. Furthermore, if the FAA did not receive reports of positive drug or alcohol tests or refusals by airmen, the agency would not be able to take enforcement action regarding the qualification to hold the certificates, which would result in a serious detriment to public safety.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner that conflicts with the guidelines.

There are no special circumstances and the information required is not in conflict with these guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The revision of this information collection supports the final rule, Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States (RIN 2120-AK09). The FAA published the notice of proposed rulemaking on December 7, 2023 [88 FR 85137]. That NPRM sought public comment on the revisions to this information collection associated with that proposed rule. The information collection was submitted to the Office of Management and Budget for review during the pendency of the NPRM's comment period.

While the FAA received comments regarding the costs of the proposed rule, the FAA did not receive comments specific to the time burden estimates for those foreign repair stations that would be required to implement a drug and alcohol testing program acceptable to the Administrator.

As noted previously, however, the final rule also establishes a process for foreign governments, on behalf of certificated repair stations within their territories, and individual foreign repair stations subject to the rule to obtain the Administrator's recognition of a country's or foreign repair station's existing requirements or testing program(s) promulgated under the laws of the country as a compatible alternative that contains minimum elements of 14 CFR part 120. The FAA believes this pathway will be significantly less burdensome as a single governmental entity may seek recognition on behalf of all of the certificated repair stations in its territory. The FAA has provided calculations for this recognition process as an alternative in question 12 of this supporting statement.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

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

The drug and alcohol testing programs are replete with confidentiality protections for safety-sensitive workers who are tested, at every stage of testing, from random selection for testing through collection and processing of urine specimens or breath samples, to handling, communication, and storage of the results. These protections are specified throughout the pertinent testing regulations, which are 49 CFR part 40 and 14 CFR part 120. Enforcement of these protections is a major responsibility of the FAA Drug Abatement Division and the Department of Transportation's Office of Drug and Alcohol Policy and Compliance.

As explained above, the statutory authority for these assurances of confidentiality is contained in the FAA's authority to issue rules regarding aviation safety (Title 49 USC). Subtitle VII, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Section 45102, charges the FAA with prescribing regulations to establish programs for drug and alcohol testing of employees performing safety-sensitive functions for air carriers.

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 questions of a sensitive nature.

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

The analysis in this section includes the annual hour and cost burden of foreign repair stations based on two cost cases: a high-cost and low-cost case. In its analysis of the final rule, the FAA created these two cases because the final rule will allow countries to comply with the alternative means of compliance in the final rule by submitting a request for recognition in accordance with section 120.10 of the final rule. The low-cost case assumes that all countries will submit a request through this pathway. In the low-cost case, the information collection will include time for the industry to collect the necessary documentation to submit their request. The impact of this information collection on the FAA will be the time to review the submitted request.

For the purposes of the Supporting Statement and the PRA analysis, the high-cost case is the main analysis (assumes all foreign repair stations will develop and implement a drug and alcohol program that complies with the final rule in lieu of requesting recognition). In addition, the FAA provides the analysis for the low-cost case. In each section, the FAA first presents the high-cost case followed by the low-cost case. The low-cost case is not an additional cost to the main analysis. It is a separate cost because it is uncertain how many countries would choose to request recognition of their requirements or program.

The following analysis first provides a summary of the total burden associated with the collection of information. That summary includes burdens attributed to currently regulated employers and the new foreign repair stations added through the final rule. The analysis then separately addresses the burdens attributed to currently regulated employers before turning to the burdens attributed to foreign repair stations. Under the final rule, 977 foreign repair stations would devote resources to develop a drug and alcohol testing program to obtain a Drug and Alcohol Testing Program Operations Specification through its Principal Maintenance Inspector in the FAA Flight Standards Service in accordance with 14 CFR 120.117 and 120.225. These repair stations would also incur annual program maintenance: e.g., updates to the program; the space to conduct the testing; the random pool list; and the overall testing process.

Total Burden:

IC	Total Hours	Hours per Response	Responses per Year	\$ Yearly Burden
Currently Regulated Employers				
Promulgate Policy	6,656	16	416	
Registration (new or amended)	904	1	904	
Supervisory Drug and Alcohol Training Documentation	1,677	.25	6,706	
Employee Training Documentation	31,353	.25	125,411	
Reasonable Cause/Suspicion Documentation for Drugs and Alcohol	1,034	2	517	
Post-Accident Determination Documentation	1,668	2	834	
Voluntary Disclosures	7,760	40	194	
Emergency Maintenance Reports	21	1.25	17	
Scientifically Valid Random Testing Process	27,132	1	27,132	
Medical Review Officer (MRO) Contract Record Keeping Provision	104	.25	416	
Refusal to Take Drug Test Report to FAA	23	.43	53	
Positive Drug Test Report to FAA	48	.33	145	
Refusal to Take Alcohol Test Report to FAA	4	.5	8	
Positive Alcohol Test Report to FAA	37	.3	123	
Substance Abuse Professional (SAP) Return to Duty Letter for Part 67 Medical Certificate Holders	21	.5	42	
Currently Regulated Employers Total:	78,442		162,918	\$2,633,298
Foreign Repair Stations				
Foreign Repair Station Drug and Alcohol Testing Program Operations Specification Development and Program Maintenance	15,958	16.33	977	\$469,634
Foreign Repair Station Education and Training Records	39,989	0.25	159,956	\$1,342,428
Foreign Repair Station records related to the alcohol and drug collection process, test results, refusal to test, employee dispute records, SAP reports, follow-up tests	217,583	5.00	43,517	\$7,304,273

Foreign Repair Stations Total:	273,530		204,450	\$9,116,335
Total:	351,972		367,368	\$11,749,633

Note: These numbers are subject to rounding error.

Note: For all line items, except the development and program maintenance, the FAA is using a wage rate of \$33.57 per hour for Designated Employer Representatives. Information and Records Clerks (SOC 43-4000) NAICS 481000 – Air Transportation, May 2022; Mean Hourly wage. https://www.bls.gov/oes/2022/may/naics3_481000.htm#43-4000. The base wage rate is \$23.67 and the wage rate used includes fringe benefits at a rate of 42 percent.

Note: For the development and program maintenance the FAA is using a wage rate of \$29.43 per hour. Office and Administrative Support Workers (SOC 43-9199) NAICS 481000 – Air Transportation, May 2022; Mean Hourly wage. <https://www.bls.gov/oes/2022/may/oes439199.htm>. The base wage rate is \$20.75 and the wage rate used includes fringe benefits at a rate of 42 percent.

Total Burden: Waiver Based on FAA Recognition (Low-Cost Case)

IC	Total Hours	Hours per Response	Responses per Year	\$ Yearly Burden
Submission of Request	660	20	33	\$43,725

Note: These numbers are subject to rounding error.

Note: The FAA is using two wage rates as the submission will require two employees to complete the submission.

Note: The FAA is using a wage rate of \$59.53 per hour for the government program analyst that will be doing 15 hours of the 20 hours of work. FAA Technical Pay Band, I Band with Washington D.C. locality; effective Jan. 2022, minimum salary \$90,877. The total loaded salary of \$123,820 is divided by 2,080 hours to get the hourly wage.

https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx.

Note: The FAA is using a wage rate of \$86.41 per hour for the government manager that will be doing 5 hours of the 20 hours of work. FAA Technical Pay Band, K Band with Washington D.C. locality; effective Jan. 2022, minimum salary \$131,917. The total loaded salary of \$179,737 is divided by 2,080 hours to get the hourly wage.

https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx.

Note: The calculation of the yearly burden is as follows: $((15 * 59.53) + (5 * 86.41)) * 33 = \$43,724$.

Domestic Regulated Employers

Promulgate Policy

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		416	
# of Responses per respondent		1	
Time per Response		16.0 hours	
Total # of responses		416	
Total burden (hours)		6,656	

Explanation: Each respondent must promulgate a policy on the misuse of alcohol and drug use in the workplace. The policy must include the elements identified under 14 CFR §§ 120.115(a)(2) and 120.223(a). The Designated Employer Representative (DER) must develop the policy during the start of operations and provide written notice to each safety-sensitive employee. To calculate the number of respondents that were required to promulgate a new policy, the Drug Abatement Division compared the 2018 MIS reporting with the 2019 MIS reporting to find the number of new operators. Based on the time it takes the DER for each respondent to develop a policy, the Drug Abatement Division determined it would take the DER 16.0 hours.

Registration (new or amended)

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	904		
# of Responses per respondent	1		
Time per Response	1.00 hour		
Total # of responses	904		
Total burden (hours)	904		

Explanation: Each respondent that conducts testing must register the Drug and Alcohol Testing Program and update the information as changes occur. To calculate the number of respondents, the Drug Abatement Division used the number of new and amended registrations processed during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER for each respondent to prepare the information and notify the Drug Abatement Division, it was estimated it would take the DER 1.0 hour.

Supervisory Drug and Alcohol Training Documentation

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		6,706	
# of Responses per respondent		1	
Time per Response		0.25 hours	

Total # of responses		6,706	
Total burden (hours)		1,677	

Explanation: Each respondent must conduct initial supervisory training for drug and alcohol, and recurrent supervisory training for drug testing. The respondent must document training provided to supervisors and maintain the information for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of active programs between March 31, 2019, and March 31, 2020. Based on the time it takes the DER for each respondent to collect the information and maintain it, the Drug Abatement Division determined it would take the DER 0.25 hours of time.

Employee Training Documentation

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		125,411	
# of Responses per respondent		1	
Time per Response		0.25 hours	
Total # of responses		125,411	
Total burden (hours)		31,353	

Explanation: Each respondent must conduct initial drug and alcohol training for each new safety-sensitive employee. Documentation of the alcohol misuse training must be maintained by the DER for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of negative pre-employment drug tests reported in the 2019 MIS reporting data to determine that each respondent that was hired for or transferred into a safety-sensitive position and provided initial training from January 1, 2019, and December 31, 2019. Based on the time it takes the DER to document the initial training and maintain the records for each new hire, the Drug Abatement Division determined it would take the DER 0.25 hours.

Reasonable Cause/Suspicion Documentation for Drugs and Alcohol

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		517	

# of Responses per respondent		1	
Time per Response		2.00 hours	
Total # of responses		517	
Total burden (hours)		1,034	

Explanation: Each respondent must ensure that the trained supervisor that determines reasonable cause/suspicion testing documents the observations and determination. The DER must maintain the documentation for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of reasonable cause/suspicion tests reported in the 2019 MIS reporting data to determine how many times a DER obtained the information from a supervisor and maintained it from January 1, 2019, through December 31, 2019. Based on the time it takes the DER to obtain the documentation from the supervisor and maintain the records, the Drug Abatement Division determined it would take the DER 2.0 hours of time.

Post-Accident Determination Documentation

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		834	
# of Responses per respondent		1	
Time per Response		2.00 hours	
Total # of responses		834	
Total burden (hours)		1,668	

Explanation: Each respondent must document decisions on post-accident testing and maintain them for 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of post-accident tests reported in the 2019 MIS reporting data to determine how many times a DER collected and maintained documentation between January 1, 2019, and December 31, 2019. Based on the time it takes the DER to obtain the documentation and maintain the records, the Drug Abatement Division determined it would take the DER 2.0 hours.

Voluntary Disclosures

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents			194
# of Responses per respondent			1
Time per Response			40.0 hours
Total # of responses			194
Total burden (hours)			7,760

Explanation: Any respondent may submit a voluntary disclosure (in accordance with Advisory Circular 120-117) to report any noncompliance issue it discovers. To calculate the number of respondents, the Drug Abatement Division used the number of disclosures reported during the period March 31, 2019, to March 31, 2020. Based on the time it takes the DER to identify the noncompliance, investigate the matter and collect the supporting evidence, establish and document the comprehensive fix, notify the Drug Abatement Division and provide any follow-up information, the Drug Abatement Division determined it would take the DER up to 40.0 hours. This is a significant change from the previous estimate of 9.0 hours based on the DER's necessity to determine the root cause of the noncompliance, conduct a risk analysis and provide sufficient corrective action as part of the FAA's oversight and compliance program. The Drug Abatement Division compared its own experience of investigating a noncompliance issue and determined a 40.0 hour estimate is more accurate.

Emergency Maintenance Reports

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	17	17	
# of Responses per respondent	1	1	
Time per Response	1.00 hour	0.25 hours	
Total # of responses	17	17	
Total burden (hours)	17	4	

Explanation: Each respondent that conducts on-demand operations and requires emergency maintenance must provide written notification to the Drug Abatement Division and retain copies for 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of emergency maintenance reports submitted

during the period of March 31, 2019, through March 31, 2020. Based on the time it takes an employer to collect and report the emergency maintenance information, the Drug Abatement Division estimated it would take the DER 1.0 hour. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours. The 17 total respondents are reporting (1 hour) and recordkeeping (0.25 hours), for a total of 1.25 hours per response.

Scientifically Valid Random Testing Process

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		6,783	
# of Responses per respondent		4	
Time per Response		1.00 hour	
Total # of responses		27,132	
Total burden (hours)		27,132	

Explanation: Each respondent must conduct a random selection using a scientifically valid process throughout the calendar year and maintain each selection list for 2 years. It is common for a respondent to conduct quarterly random selections. To calculate the number of respondents, the Drug Abatement Division used the total number of active programs for January 1, 2019, through December 31, 2019. Based on the time it takes to conduct the random selection and maintain the selection list, the Drug Abatement Division estimated it would take the DER 1.0 hour for each selection.

Medical Review Officer (MRO) Contract Record Keeping Provision

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents		416	
# of Responses per respondent		1	
Time per Response		0.25 hours	
Total # of responses		416	
Total burden (hours)		104	

Explanation: Each respondent must document a written contract with the Medical Review Officer (MRO), directly or through a consortium/third party administrator, that ensures the MRO understands his or her responsibilities for recordkeeping under 14 CFR part 120 and 49 CFR part 40. To calculate the number of respondents, the Drug Abatement Division used the number of new operators by comparing the 2018 MIS reporting with the 2019 MIS reporting. Based on the time it takes the DER to document a contract with the MRO, the Drug Abatement Division estimated a burden of 0.25 hours.

Refusal to Take Drug Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	39	39	14
# of Responses per respondent	1	1	1
Time per Response	0.25 hours	0.25 hours	0.25 hours
Total # of responses	39	39	14
Total burden (hours)	9.75	9.75	3.5

Explanation: The DER must report any individual that holds a part 61, 63, or 65 FAA certificate and refused to submit to drug testing and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of reports of part 61, 63, and 65 airman that refused to submit to drug testing during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours. The 39 respondents reporting and recordkeeping are the same.

FAA guidance indicates that some DERs may voluntarily report non-certificated refusal cases to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of a refusal to submit to drug testing during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.

The number of respondents in the total burden table for this category is 53, which combines the 39 respondents required to report a refusal to take a drug test and the 14 who may disclose the information voluntarily. The 39 respondents are reporting (0.25

hours) and recordkeeping (0.25 hours), for a total of 0.5 hours per response. The 14 additional respondents are disclosing to the FAA voluntarily (0.25 hours), but the recordkeeping requirements do not apply to them under the rule.

Positive Drug Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	46	46	99
# of Responses per respondent	1	1	1
Time per Response	0.25 hours	0.25 hours	0.25 hours
Total # of responses	46	46	99
Total burden (hours)	11.5	11.5	24.75

Explanation: The DER must report any individual that holds a part 67 medical certificate and tests positive on a drug test and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of positive drug test results for a part 67 that were reported to the Drug Abatement Division during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours. The 46 respondents reporting and recordkeeping are the same.

FAA guidance indicates that some DERs may voluntarily report non-part 67 medically certificated drug test positive reports to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of a positive test for all non-part 67 medically certificated employees during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.

The number of respondents in the total burden table for this category is 145, which combines the 46 respondents required to report a refusal to take a drug test and the 99 who may disclose the information voluntarily. The 46 respondents are reporting (0.25 hours) and recordkeeping (0.25 hours), for a total of 0.5 hours per response. The 99 additional respondents are disclosing to the FAA voluntarily (0.25 hours), but the recordkeeping requirements do not apply to them under the rule.

Refusal to Take Alcohol Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	8	8	
# of Responses per respondent	1	1	
Time per Response	0.25 hours	0.25 hours	
Total # of responses	8	8	
Total burden (hours)	2	2	

Explanation: Each respondent must report any individual that holds a part 61, 63, or 65 FAA certificate and refused to submit to alcohol testing and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of reports of a refusal to submit to alcohol testing during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours. The 8 respondents reporting (0.25 hours) and recordkeeping (0.25 hours) are the same, for a total of 0.5 hours per response.

Positive Alcohol Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	24	24	99
# of Responses per respondent	1	1	1
Time per Response	0.25 hours	0.25 hours	0.25 hours
Total # of responses	24	24	99
Total burden (hours)	6	6	25

Explanation: Each respondent must report any individual that holds a part 67 medical certificate and engaged in alcohol use that violated the alcohol misuse prohibitions listed in 14 CFR §§ 120.19 and 120.37 and maintain the record for 5 years. To calculate

the number of respondents, the Drug Abatement Division used the number of alcohol violations for a part 67 certificate holder that were reported to the Drug Abatement Division during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours. The 24 respondents reporting and recordkeeping are the same.

FAA guidance indicates that some DERs may voluntarily report non-part 67 medically certificated alcohol violator reports to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of an alcohol violation for all non-part 67 medically certificated employees during the period of March 31, 2019, through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.

The number of respondents in the total burden table for this category is 123, which combines the 24 respondents required to report a refusal to take a drug test and the 99 who may disclose the information voluntarily. The 24 respondents are reporting (0.25 hours) and recordkeeping (0.25 hours), for a total of 0.5 hours per response. The 99 additional respondents are disclosing to the FAA voluntarily (0.25 hours), but the recordkeeping requirements do not apply to them under the rule.

Substance Abuse Professional (SAP) Return-to-Duty Letter for Part 67 Medical Certificate Holders

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	42	42	
# of Responses per respondent	1	1	
Time per Response	0.25 hours	0.25 hours	
Total # of responses	42	42	
Total burden (hours)	11	11	

Explanation: Each respondent must send the SAP reports to the Drug Abatement Division for any individual originally reported for a positive drug test result, refusal to submit to testing or alcohol violation and successfully completed the education and treatment. The SAP cannot recommend return-to-duty without obtaining a new certificate dated after the violation that was reported. The employer must maintain the

records sent to the FAA for a period of 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of return-to-duty drug and alcohol tests reported in the MIS reports for January 1, 2019, through December 31, 2019 for flight crewmember employees only. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

Foreign Repair Stations

Estimated Foreign Repair Station Annual Paperwork Burden for Drug and Alcohol Testing Program Operations Specification and Program Maintenance

Paperwork	# of Repair Stations	# of Responses per Respondent	Hours per Response	Total # of Responses	Total Hours
Drug and Alcohol Testing Program Operations Specification	977	1	16.33 ³	977	15,958

Note: These numbers are subject to rounding error.

Explanation: Each foreign repair station would devote resources to develop a drug and alcohol testing program to obtain a Drug and Alcohol Testing Program Operations Specification through its Principal Maintenance Inspector (PMI) in the FAA Flight Standards Service in accordance with 14 CFR 120.117 and 120.225. The 2005 regulatory analysis for the final rule entitled, Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [71 FR 1666], estimated that it would take 16 administrative hours to develop a testing program using available guidance and one hour to obtain the Antidrug and Alcohol Misuse Prevention Program Operations Specification (A449) from the PMI in the first year. Although these estimates are from 2005, the FAA finds them to still be accurate.

These repair stations would also incur annual program maintenance: e.g., updates to the program; the space to conduct the testing; the random pool list; and the overall testing process. The estimated time of this maintenance is 16 hours per year. Therefore, the average hours per response is 16.33 hours per year.⁴

³ For the first-year hour burden, the FAA estimates 16 hours would be needed, per repair station, to create testing space, develop a testing plan, and establish recordkeeping processes. Additionally, one hour is needed to register with the FAA's Drug Abatement Division. Each year thereafter FAA estimates 16 hours would be needed to update the program and maintain testing list. Thus, the total over three years is 49 hours (17 + (16 x 2)) or 16.33 hours annually.

⁴ (17 + 16 + 16 = 16.33).

Estimated Annual Number of Records for All 977 Foreign Repair Stations

Documentation	# of Repair Stations	Average # of Responses per Respondent	Hours per Response	Total # of Responses	Total Hours
Training records	977	164	0.25	159,956	39,989
Test records: records related to the alcohol and drug collection process, test results, refusal to test, employee dispute records, SAP reports, follow-up tests.	977	45	5.0	43,517	217,583

Note: These numbers are subject to rounding error.

Explanation: Foreign repair stations would be required to document an employee's previous drug and alcohol testing records, training records, test records (records related to drug and alcohol collection process, test results, refusal to test, employee dispute records, substance abuse professional (SAP) reports, follow-up tests), and annual management information system (MIS) reports of testing statistics.

In the first year there would be 416,186 training records as all current employees and supervisors would need to be trained. In the following years there would be less training as only new employees would be required to take the training and any recurring training that may be required. In years two and three, respectively, there would be 31,762 and 31,919 training records. Taking the average of these three years results in 159,956 total responses per year and 164 responses per respondent. The FAA estimates that it would take 0.25 hours per response.

For test records, in the first year there would be no test records to report. In the second and third year there would be 65,114 and 65,436, respectively. The average over the three years is 43,517 and 45 responses per respondent. The FAA estimates that it would take five hours per response.

Alternative Means of Compliance (Low-Cost Case)

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	33		
# of Responses per	1		

respondent			
Time per Response	20		
Total # of responses	33		
Total burden (hours)	660		

Explanation: Each respondent must submit a request demonstrating that repair stations within their territories comply with the alternative means of compliance to the FAA. To calculate the number of respondents, the FAA used the number of countries that have part 145 certified repair stations outside of the territory of the United States. The FAA has determined that it would take 20 hours for a country’s representative to prepare the request and submit it to the FAA. Specifically, the FAA estimates that it will take a government program analyst 15 hours to prepare the submission and 5 hours for a manager to review and submit the request. This estimate includes time for any necessary coordination with additional Agencies or Departments. The FAA assumes that it will take 2 years for all 65 countries to submit and their submissions to be reviewed. Therefore, the FAA estimates that approximately half, 33, will be completed in the first year and the remaining 32 in the second years. These submissions will only need to be completed once.

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

All the costs for currently regulated employers and foreign repair stations are accounted for in Question #12.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The following information will document the different tasks and costs associated with processing intake of registration applications, correcting drug and alcohol paragraphs under the OPSS, processing and managing the MIS reporting, and processing reports of violations by the industry.

Annual Registration and OPSS Tracking

During March 31, 2019, and March 31, 2020, the following expenses applied to the Drug Abatement Division personnel who processed registration applications/amendments and corrected drug and alcohol paragraph issues:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
Process intake of Registration applications	900	2	\$56.48	\$101,656
Correcting drug and alcohol paragraph (A449/A049)	250	2	\$81.45	\$40,725
Total:				\$142,381

Explanation: Upon receipt of a registration application or amendment, a junior program analyst in the Drug Abatement Division conducts a review to determine if the information is sufficient. Each registration is entered into the Drug Abatement Division's Compliance and Enforcement Tracking Subsystem (CETS) and given a specific control number. The junior program analyst prepares and sends the final correspondence to the respondent. The entire process takes approximately two hours for each respondent.

A senior program analyst in the Drug Abatement Division addresses issues or concerns related to respondents with an FAA operating certificate and drug and alcohol paragraph (A449/A049) in the Operations Specifications (OPSS). These matters are more complex and require coordination with multiple stakeholders, and it takes approximately two hours for each respondent.

The junior program analyst's salary used to calculate this is equivalent to a GS-12 Salary (GS-12, Step 9 hourly wage) for a wage of \$41.45 per hour⁵. With overhead costs of 36.25 percent added⁶, the total salary is \$56.48 per hour.

The senior program analyst's salary used to calculate this is equivalent to a GS-14 Salary (GS-14, Step 10 hourly wage) for a wage of \$59.78 per hour⁷. With overhead costs of 36.25 percent added⁸, the total salary is \$81.45 per hour.

Annual MIS Report Tracking & Analysis

⁵ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/GS_h.aspx, GS-12, Step 9.

⁶ MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/GS_h.aspx, GS-14, Step 10.

⁸ MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

The following are costs associated with the Drug Abatement Division and contractor processing the MIS reports for January 1, 2019, through December 31, 2019:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
MIS contract expenses with DOT Vendor, VOLPE, for DAMIS support.	N/A	N/A	N/A	\$12,909
MIS Preparation	1	40	\$81.45	\$3,258
MIS Analysis & Tracking	1,005	0.50	\$81.45	\$40,929
MIS Data Entry	1,340	0.25	\$81.45	\$27,286
Total:				\$84,382

Explanation: To prepare for the annual MIS reporting each year, the Drug Abatement Division works with the contractor to prepare the final list of all active companies.

A senior program analyst in the Drug Abatement Division finalizes the list and provides the notification letter for the contractor and works with accounting to finalize the annual contract for approval. Once the steps are completed, the contractor sends out the notification to the respondents.

The senior program analyst's salary used to calculate this is equivalent to a GS-14 Salary (GS-14, Step 10 hourly wage) for a wage of \$59.78 per hour⁹. With overhead costs of 36.25 percent added,¹⁰ the total salary is \$81.45 per hour.

After January 1, the reporting starts and the Drug Abatement Division's senior program analyst provides access information, guidance on MIS reporting and tracks responses to ensure the information is reported. Communication with respondents happens daily and requires an average of 30 minutes for each respondent.

While most respondents submit their data electronically via DAMIS, about 20% still submit a paper copy via email or fax or United States Postal Service. The Drug Abatement Division's senior program analyst enters the data directly into DAMIS. Each report takes approximately 15 minutes to enter.

⁹ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/GS_h.aspx, GS-14, Step 10.

¹⁰ MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

Annual Processing Violation & Refusal Reports

The following are costs associated with the Drug Abatement Division processing reports of part 67 violations, refusals, and other non-certificated reporting between March 31, 2019, and March 31, 2020:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
Processing required reports of drug and alcohol testing violations for part 67 medical certificate holders	70	1	\$46.08	\$3,226
Processing voluntary reports of drug and alcohol testing violations for all other types of safety-sensitive employees	112	1	\$46.08	\$5,161
Processing required reports of drug and alcohol refusals by part 61, 63, 65 certificate holders	47	1	\$46.08	\$2,166
Processing voluntary reports of drug and alcohol refusals by all other types of safety-sensitive employees	14	1	\$46.08	\$645

Total				\$11,197
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Explanation: Upon receipt of a required or voluntary report, a junior compliance investigator in the Drug Abatement Division conducts a review to determine if the information is sufficient and verifies the certificate information, if applicable. The information is entered into CETS and the Drug Abatement Division's local tracking tool for assignment to a special investigator.

The junior compliance investigator's salary used to calculate this is equivalent to a GS-12 Salary (GS-12, Step 2 hourly wage) for a wage of \$33.82 per hour.¹¹ With overhead costs of 36.25 percent added,¹² the total salary is \$46.08 per hour.

**Annual Total Currently Regulated Employers Cost to the Federal Government:
\$237,960**

Foreign Repair Stations

The FAA would establish an International Compliance and Enforcement Branch (or Center) located in Washington, DC that would oversee and inspect all foreign part 145 repair stations using practices described in FAA Order 9120.1 Drug and Alcohol Compliance and Enforcement Inspector Handbook.

Domestically, the FAA has three regional Compliance and Enforcement Centers, a Program Administration Branch, a Program Policy Branch, and a Special Investigations Branch that provides oversight of drug and alcohol testing program inspections and investigations. As a result of the final rule, the FAA will merge all international inspections and associated processes together into one new branch. The FAA will hire one K-band manager to oversee the branch, four I-band program analysts to oversee the waiver reviews, procedures, guidance, policy development, the inspection scheduling activities, and six J-band inspectors that each will conduct inspections and possibly investigate the complaints associated with rule violations or allegations under 14 CFR part 120 and 49 CFR part 40.

Annual Staffing Cost for Waivers and Inspections

Title	Salary Including Benefits ¹³	Number of Employees	Total Annual Staffing Cost
Manager, GS-15 level ¹⁴	\$179,737	1	\$179,737

¹¹ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/GS_h.aspx, GS-12, Step 2.

¹² MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

¹³ A fringe benefit factor of 36.25 percent was used to calculate the total salary with fringe benefits. MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

Management/Program Analysts, GS-13 level ¹⁵	\$123,820	4	\$495,280
Inspectors, GS-14 level ¹⁶	\$152,855	6	\$917,130
Annual Personnel Cost			\$1,592,147

Annual MIS Report Tracking & Analysis – Foreign Repair Stations

The following are predicted costs associated with the Drug Abatement Division and contractor processing the annual MIS reports for an additional 977 foreign repair stations:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
MIS Analysis & Tracking	977	0.50	\$81.45	\$39,788
MIS Data Entry	196	0.25	\$78.90	\$3,999
Total:				\$43,788

Explanation: MIS contract expenses with the DOT vendor, VOLPE, for DAMIS support and MIS preparation are already accounted for under the currently regulated employers table above. These expenses are not included for foreign repair stations because they are one-time expenses included in the preparation of MIS reporting.

Once MIS reporting begins, the Drug Abatement Division’s senior program analyst provides access information, guidance on MIS reporting and tracks responses to ensure the information is reported. Communication with respondents happens daily and requires an average of 30 minutes for each respondent. Since all 977 foreign repair stations would be completing the MIS reporting for the first time, FAA assumes all would communicate with the FAA. Therefore, the estimated number of events is 977.

The senior program analyst’s salary used to calculate this is equivalent to a GS-14 Salary (GS-14, Step 10 hourly wage) for a wage of \$59.78 per hour.¹⁷ With overhead costs of 36.25 percent added,¹⁸ the total salary is \$81.45 per hour.

¹⁴ 2022 FAA Bay Band: https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx

¹⁵ 2022 FAA Bay Band: https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx

¹⁶ 2022 FAA Bay Band: https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx

¹⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/GS_h.aspx, GS-14, Step 10.

¹⁸ MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, Office of Management and Budget, March 11, 2008, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2008/m08-13.pdf.

While most respondents submit their data electronically via DAMIS, about 20% still submit a paper copy via email or fax or United States Postal Service. To estimate the MIS data entry events, 20 percent of the 977 foreign repair stations was used to determine the estimated 196 number of events. The Drug Abatement Division’s senior program analyst enters the data directly into DAMIS. Each report takes approximately 15 minutes to enter.

**Annual Total Foreign Repair Stations Cost to the Federal Government:
\$1,635,935**

Annual Total Cost to the Federal Government: \$1,873,895

Alternative Means of Compliance (Low-Cost Case)

The following section discusses the information collection regarding the low-cost case for the alternative means of compliance. These costs are not in addition to the main information collection analysis preceding this section.

Alternative Means of Compliance Request Review

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
Review of request	33	20	\$62.22	\$41,063

Explanation: The FAA estimates that each request will be reviewed by an FAA program analyst for 18 hours. Additionally, an FAA manager will review the request for 2 hours for a total of 20 hours of burden for the FAA. The FAA assumes it will take 2 years for all 65 countries to submit the request and their submissions to be reviewed. Therefore, the FAA estimates that approximately half, 33, will be completed in the first year and the remaining 32 in the second year. These submissions will only need to be completed once.

The FAA program analyst’s salary used to calculate this hourly rate is equivalent to an FAA Technical Pay Band, I Band with a Washington D.C. locality for a wage of \$59.53 per hour which includes fringe benefits.¹⁹ The FAA manager’s salary used to calculate this hourly rate is equivalent to an FAA Technical Pay Band, K Band with a Washington

¹⁹ FAA Technical Pay Band, I Band with Washington D.C. locality; effective Jan. 2022, minimum salary \$90,877. The total loaded salary of \$123,820 is divided by 2,080 hours to get the hourly wage.
https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx.

D.C. locality for a wage of \$86.41 per hour which includes fringe benefits.²⁰ The weighted average of the two wages is used to calculate the \$62.22 hourly rate.²¹

15. Explain the reasons for any program changes or adjustments.

As a result of the Act and subsequent FAA regulations, the burden is increased by requiring approximately 977 part 145 repair stations operating outside the territory of the United States to obtain a drug and alcohol Operations Specification paragraph (A449) in FAA's electronic database and provide annual reports which include drug and alcohol testing program statistics as shown in question #13.

In the Total Burden chart in question 12, some calculations were corrected in the following categories for currently regulated employers: Refusal to Take Drug Test Report to FAA, Positive Drug Test Report to FAA, and Positive Alcohol Test Report to FAA. The corrections were made to reflect the program burden on the respondents more accurately and clearly explain the totals.

Total hour burden changes were added to account for the foreign repair stations that will need to perform information collection. The additions are in the following categories: foreign repair station drug and alcohol testing program operations specification development and program maintenance; foreign repair station education and training records; and foreign repairs station records related to the alcohol and drug collection process, test results, refusal to test, employee dispute records, SAP reports, follow-up tests.

In addition, the costs to the FAA due to the foreign repair stations also were updated. The additions are in the following categories: 1) annual staffing cost for approval, compliance, and inspections, and 2) annual MIS report tracking & analysis.

Further, the FAA has revised the burden for this supporting statement to reflect the possible use of this information collection by foreign governments, on behalf of certificated repair stations within their territories, and individual foreign repair stations subject to the rule to obtain the Administrator's recognition of a country or foreign repair station's existing requirements or testing program(s) promulgated under the laws of the country as a compatible alternative that contains minimum elements of 14 CFR part 120.

The FAA added the information collection burden hours and annual costs due to the alternative means of compliance. The costs to the industry include the hours and cost to submit the request. The cost to the FAA was also updated to include the review of the request submission.

²⁰ FAA Technical Pay Band, K Band with Washington D.C. locality; effective Jan. 2022, minimum salary \$131,917. The total loaded salary of \$179,737 is divided by 2,080 hours to get the hourly wage.

https://web.archive.org/web/20220402230925/https://www.faa.gov/sites/faa.gov/files/2022-02/core_salary_with_conversion.xlsx.

²¹ The calculation of the hourly rate is as follows: $((59.53 * (18/20)) + (86.41 * (2/20))) = \62.22 .

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Using the MIS Reporting Data and the required refusal, alcohol violation or positive test reports, the Drug Abatement Division responds to information requests from the media or industry about program data limited to the number of safety-sensitive employees subject to testing or data that establishes annualized random testing rates for the following year. Using the MIS reporting data, the Department of Transportation publishes drug and alcohol testing data for each mode of transportation, including the FAA. Information is presented annually online²² and includes:

- 1) the total number of drug and alcohol tests by type of substance tested;
- 2) the drug and alcohol test results by type of substance tested;
- 3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, or follow-up, by type of substance tested; and
- 4) the number of individuals who refused testing.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No such approval is being requested.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions.

²² https://www.transportation.gov/odapc/DOT_Agency_MIS_Data