



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2011-0001-N-18]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than [insert date 60 days after the date of publication.]

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt

of their respective comments must include a self-addressed stamped postcard stating, “Comments on OMB control number 2130-0526.” Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at robert.brogan@dot.gov, or to Ms. Toone at kimberly.toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding

(i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Control of Alcohol and Drug Use in Railroad Operations

OMB Control Number: 2130-0526

Abstract: The information collection requirements contained in pre-employment and "for cause" testing regulations are intended to ensure a sense of fairness and accuracy for

railroads and their employees. The principal information – evidence of unauthorized alcohol or drug use – is used to prevent accidents by screening personnel who perform safety-sensitive service. FRA uses the information to measure the level of compliance with regulations governing the use of alcohol or controlled substances. Elimination of this problem is necessary to prevent accidents, injuries, and fatalities of the nature already experienced and further reduce the risk of a truly catastrophic accident.

Form Number(s): FRA F 6180.73; FRA F 6180.74

Affected Public: Businesses

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
219.7 - Waivers	100,000 employees	2 letters	2 hours	4 hours
219.9 (b)(2) - Responsibility for compliance	450 railroads	2 requests	1 hour	2 hours
219.9 (c) - Responsibility for compliance	450 railroads	10 contracts/docs	2 hours	20 hours
219.11(d) - General conditions for chemical tests	450 railroads	30 forms	2 minutes	1 hour
219.11 (g) Training - Alcohol and Drug -- Programs : New Railroads	5 railroads	5 programs	3 hours	15 hours
- Training	50 railroads	50 training class	3 hours	150 hours

219.23 (d) - Notice to Employee Organizations	5 railroads	5 notices	1 hour	5 hours
219.104/219.107 - Removal from Covered Svc.	450 railroads	500 form letters	2 minutes	17 hours
- Hearing Procedures	450 railroads	50 requests	2 minutes	2 hours
219.201(c) Good Faith Determination	450 railroads	2 reports	30 minutes	1 hour
219..203/207/209 - Notifications by Phone to FRA	450 railroads	104 phone calls	10 minutes	17 hours
219.205 - Sample Collection and Handling	450 railroads	400 forms	15 minutes	100 hours
- Form covering accidents/incidents	450 railroads	100 forms	10 minutes	17 hours
219.209 (a) - Reports of Tests and Refusals	450 railroads	80 phone rpts.	2 minutes	3 hours
219.209 (c) - Records - Tests Not Promptly Conducted	450 railroads	40 records	30 minutes	20 hours
219.211 (b) & (c) - Analysis and follow-up - MRO	450 railroads	8 reports	15 minutes	2 hours
219.401/403/405 - Voluntary referral and Co-worker report policies	5 railroads	5 report policies	20 hours	100 hours
219.405 (c) (1) - Report by Co-worker	450 railroads	450 reports	5 minutes	38 hours
219.403/405 - SAP Counselor Evaluation	450 railroads	700 reports	30 minutes	350 hours
219.601 (a) - RR Random Drug Testing Programs	5 railroads	5 programs	1 hour	5 hours
- Amendments	450 railroads	20 amendments	1 hour	20 hours
219.601 (b) (1) - Random Selection Proc. - Drug	450 railroads	5,400 documents	4 hours	21,600 hours
219.601 (b)(4);219.601 (d) - Notices to Employees	5 railroads	100 notices	30 seconds	1 hour
- New Railroads	5 railroads	5 notices	10 hours	50 hours
- Employee Notices - Tests	450 railroads	25,000 notices	1 minute	417 hours
219.603 (a) - Specimen Security - Notice By Employee Asking to be Excused from Urine Testing	20,000 employees	20 doc. excuses	15 minutes	5 hours
219.607(a)-RR Random Alcohol Testing Programs	5 new railroads	5 programs	8 hours	40 hours
- Amendments to Approved Program	450 railroads	20 amendments	1 hour	20 hours
219.901/903 - Retention of Breath Alcohol Testing Records; Retention of Urine Drug Testing	450 railroads	100,500 records	5 minutes	8,375 hours
-Summary Report of Breath Alcohol/Drug Test	450 railroads	200 reports	2 hours	400 hours

Respondent Universe: 450 railroads

Frequency of Submission: On occasion

Total Responses: 133,818

Estimated Total Annual Burden: 31,797 hours

Status: Extension without Change of a Currently Approved Collection

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Issued in Washington, DC on November 14, 2011.

Kimberly Coronel
Director, Office of Financial Management
Federal Railroad Administration

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