

*If you are a gaining employer:*

1. You may permit the employee to perform safety-sensitive functions if he or she has successfully completed the DOT return-to-duty process.
2. You may inform the employee that he or she may submit documentation (see above) regarding his or her substituted test result to the DOT for reconsideration. You may permit the employee to perform safety-sensitive functions upon receipt of DOT documentation that the employee has been shown to naturally produce creatinine concentrations in the 2-5 mg/dL range and a specific gravity of less than or equal to 1.001 or greater than or equal to 1.020.
3. If after reconsideration ODAPC provides written documentation stating that the original results should not be considered substituted, you should attach that written documentation to the original substituted drug test result, as proof that the test should not be considered as substituted.

**NOTE:** Under DOT regulations, all decisions to hire or fire an employee are left to the employer, but these options are provided because DOT would like employers to make the most informed decisions possible. DOT does NOT require that employers hire or fire any specific individual.

Our review will be on a case-by-case basis. Following our review, the DOT and the DOT Agencies will take appropriate action to notify employees of our determinations.

**NOTE:** This Informational Notice is time limited, and submissions must be sent to the DOT no later than six months from the date of publication of this notice in the Federal Register.

For more information, contact Mark Snider by phone at 202.366.3784 or by Email at [mark.snider@dot.gov](mailto:mark.snider@dot.gov); or visit our website at: [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc).

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**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2007-28850]

**Agency Information Collection Activities; Revision of an Approved Information Collection: Driver Qualification Files**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR)

described below to the Office of Management and Budget (OMB) for review and approval. This collection, entitled "Driver Qualification Files," accounts for the information that motor carriers must obtain and maintain on the qualifications of the commercial motor vehicle (CMV) drivers they employ. On May 23, 2007, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. No comments were received.

**DATES:** Please send your comments by October 11, 2007. OMB must receive your comments by this date in order to act quickly on the ICR.

**ADDRESSES:** All comments should reference Docket No. FMCSA-2007-28850. You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW.,

Washington, DC 20503, *Attention: DOT/FMCSA Desk Officer.*

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division. Telephone: 202-366-4235; e-mail [MCPD@dot.gov](mailto:MCPD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Driver Qualification Files.  
*OMB Control Number:* 2126-0004.  
*Type of Request:* Revision of a currently approved collection.  
*Respondents:* Motor carriers; drivers.  
*Estimated Number of Respondents:* 7 million.  
*Estimated Time per Response:* An average of 28 minutes.  
*Expiration Date:* September 30, 2007.  
*Frequency of Response:* The principal obligations of these rules are imposed on motor carriers when considering a driver for employment, and on CMV drivers, when applying for employment.

These obligations arise irregularly because they are associated with the hiring process. This collection also imposes certain annual obligations on motor carriers and employee-drivers.

*Estimated Total Annual Burden:* 3,254,580 hours. FMCSA arrives at this estimate through calculation of the time involved with each of the requirements of the driver qualification rules including those pertaining to the hiring of a CMV driver by a motor carrier and the safety performance history of the applicant-driver.

### Background

The Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, 98 Stat. 2834 (October 30, 1984)) requires the Secretary of Transportation to issue regulations pertaining to CMV safety. These regulations, also issued under the authority provided by 49 U.S.C. 504, 31133, 31136, and 31502, require motor carriers to maintain a driver qualification file on each of their CMV drivers. The rules require a motor carrier to obtain and maintain specified information concerning the qualifications of each driver to operate a CMV in interstate commerce. The CMV driver is often required to produce the required information. The majority of the information is collected during the process of hiring the CMV driver and during annual reviews. This information is available to FMCSA investigators to substantiate the qualifications of drivers to operate a CMV safely in interstate commerce. A qualified driver means fewer crashes.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: August 31, 2007.

**Michael S. Griffith,**

*Acting Associate Administrator for Research and Information Technology.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28630]

#### Agency Information Collection Activities; New Information Collection: Share the Road Safely Outreach Program Assessment

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The proposed ICR will be used to collect information on commercial motor vehicle (CMV) and passenger car drivers' awareness of the Share the Road Safely (STRS) safety messages and activities. This information collection will aid FMCSA in developing future Share the Road Safely initiatives by surveying and examining driver awareness of sharing the road safely by using safety messages and activities.

**DATES:** We must receive your comments on or before November 13, 2007.

**ADDRESSES:** You may submit comments identified by any of the following methods. Please identify your comments by the FMCSA Docket Number FMCSA-2007-28630.

- *Web site:* <http://dms.dot.gov>.

Follow instructions for submitting comments to the Docket.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Docket:* For access to the Docket Management System (DMS) to read background documents or comments received, go to <http://dms.dot.gov> at any time or to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., e.t., Monday through Friday,

except Federal holidays. The DMS is available electronically 24 hours each day, 365 days each year. If you want notification of receipt of your comments, please include a self-addressed, stamped envelope, or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Ronk, Office of Outreach and Development, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-1072, or e-mail [brian.ronk@dot.gov](mailto:brian.ronk@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

The purpose of this study is to assess the awareness of licensed drivers regarding Share the Road Safely messages. The study will assist FMCSA in developing future STRS campaign messages and identifying target audiences and distribution strategies. The data will be collected through a telephone survey. Results of the study will not be published, but used for internal research purposes by FMCSA to assess its outreach activities and identify opportunities to help raise the public's awareness of driving safely in, or around, large trucks and vehicles. A follow-up survey will be conducted two years after the initial data collection and compared against the results from the baseline assessment.

*Title:* Share the Road Safely Outreach Program Assessment.

*OMB Control Number:* 2126-XXXX.

*Type of Request:* New collection.

*Respondents:* Public/licensed drivers.

*Estimated Number of Respondents:* 1,500.

*Estimated Time per Response:* The estimated average burden per response is 10 minutes.

*Expiration Date:* N/A.

*Frequency of Response:* Other. The information will be collected during the first year of approval and again two years following the initial data collection.

*Estimated Total Annual Burden:* 250 hours [1,500 responses × 10 minutes/60 minutes per response = 250].