

follow the applicable procedures in § 40.187(e)—recollection under direct observation is required in this case.

\* \* \* \* \*

#### § 40.207 [Amended]

■ 32. Section 40.207 is amended by removing, in paragraph (a)(3), the reference to “40.187(b)” and adding in its place “40.187(b)(2), (c)(1), and (e)”.

■ 33. Appendix B to Part 40 is revised to read as follows:

#### Appendix B to Part 40—DOT Drug Testing Semi-Annual Laboratory Report to Employers

The following items are required on each report:

Reporting Period: (inclusive dates)

Laboratory Identification: (name and address)

Employer Identification: (name; may include Billing Code or ID code)

C/TPA Identification: (where applicable; name and address)

1. Specimen Results Reported (total number) By Type of Test

(a) Pre-employment (number)

(b) Post-Accident (number)

(c) Random (number)

(d) Reasonable Suspicion/Cause (number)

(e) Return-to-Duty (number)

(f) Follow-up (number)

(g) Type of Test Not Noted on CCF (number)

2. Specimens Reported

(a) Negative (number)

(b) Negative and Dilute (number)

3. Specimens Reported as Rejected for Testing (total number)

By Reason

(a) Fatal flaw (number)

(b) Uncorrected Flaw (number)

4. Specimens Reported as Positive (total number) By Drug

(a) Marijuana Metabolite (number)

(b) Cocaine Metabolite (number)

(c) Opiates (number)

(1) Codeine (number)

(2) Morphine (number)

(3) 6-AM (number)

(d) Phencyclidine (number)

(e) Amphetamines (number)

(1) Amphetamine (number)

(2) Methamphetamine (number)

5. Adulterated (number)

6. Substituted (number)

7. Invalid Result (number)

■ 34. Appendix C to Part 40 is added to read as follows:

#### Appendix C to Part 40—DOT Drug Testing Semi-Annual Laboratory Report to DOT

Mail, fax, or e-mail to: U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, W62–300, 1200 New Jersey Avenue, SE., Washington, DC 20590, Fax: (202) 366–3897, E-mail: [ODAPCWebMail@dot.gov](mailto:ODAPCWebMail@dot.gov).

The following items are required on each report:

Reporting Period: (inclusive dates)

Laboratory Identification: (name and address)

1. DOT Specimen Results Reported (number)

2. Negative Results Reported (number)

3. Rejected for Testing Reported (number) By Reason (number)

4. Positive Results Reported (number) By Drug (number)

5. Adulterated Results Reported (number) By Reason (number)

6. Substituted Results Reported (number)

7. Invalid Results Reported (number) By Reason (number)

■ 35. Appendix D to Part 40 is revised to read as follows:

#### Appendix D to Part 40—Report Format: Split Specimen Failure To Reconfirm

Mail, fax, or submit electronically to: U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, W62–300, 1200 New Jersey Avenue, SE., Washington, DC 20590, Fax: (202) 366–3897, Submit Electronically: [http://www.dot.gov/ost/dapc/mro\\_split.html](http://www.dot.gov/ost/dapc/mro_split.html).

The following items are required on each report:

1. MRO name, address, phone number, and fax number.

2. Collection site name, address, and phone number.

3. Date of collection.

4. Specimen I.D. number.

5. Laboratory accession number.

6. Primary specimen laboratory name, address, and phone number.

7. Date result reported or certified by primary laboratory.

8. Split specimen laboratory name, address, and phone number.

9. Date split specimen result reported or certified by split specimen laboratory.

10. Primary specimen results (e.g., name of drug, adulterant) in the primary specimen.

11. Reason for split specimen failure-to-reconfirm result (e.g., drug or adulterant not present, specimen invalid, split not collected, insufficient volume).

12. Actions taken by the MRO (e.g., notified employer of failure to reconfirm and requirement for recollection).

13. Additional information explaining the reason for cancellation.

14. Name of individual submitting the report (if not the MRO).

#### Appendix F to Part 40 [Amended]

■ 36. Appendix F to Part 40 is amended by removing the references to § 40.187(a)–(f) and adding in its place § 40.187(a) through (e).

[FR Doc. E8–14218 Filed 6–24–08; 8:45 am]

**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385 and 395

[Docket No. FMCSA–2004–19608]

RIN 2126–AB14

#### Hours of Service of Drivers; Availability of Supplemental Documents

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

**ACTION:** Notice of availability of supplemental documents.

**SUMMARY:** This notice advises the public that FMCSA is placing in the public docket four additional documents concerning hours of service (HOS) for commercial motor vehicle (CMV) drivers. FMCSA published an interim final rule (IFR) on this issue on December 17, 2007. The Agency now docketed the supplemental documents.

**ADDRESSES:** You may submit comments, identified by docket number FMCSA–2004–19608, by one of the following methods: Internet, facsimile, regular mail, or hand delivery. Please do not submit the same comments by more than one method. FMCSA encourages use of the Federal eRulemaking portal. It provides the most efficient and timely method of receiving and processing your comments.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Fax:* 1–202–493–2251.

• *Mail:* Docket Management Facility; U.S. Department of Transportation; 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

• *Hand Delivery:* Ground floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number (FMCSA–2004–19608) or Regulatory Identification Number (RIN 2126–AB14) for this action. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Refer to the Privacy Act heading at <http://www.regulations.gov> for further information.

*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 the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://DocketsInfo.dot.gov>.

**Submitting Comments:**

- You can find electronic submission and retrieval help and guidelines under the "help" section of the Web site.
- For notification that FMCSA received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on line.
- All comments received will be available for examination in the docket at the above address or on the Web site.
- Comments received will be considered to the extent practicable.

FMCSA will continue to put relevant information in the docket as it becomes available and interested persons should continue to examine the docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations. Telephone (202) 366-4325 or E-mail [MCPSD@dot.gov](mailto:MCPSD@dot.gov). Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On August, 25, 2005, FMCSA published a final HOS rule ("2005 rule") (70 FR 49978). On July 24, 2007, the DC Circuit Court vacated the 11-hour driving time and 34-hour restart provisions of the 2005 rule (*Owner-Operator Independent Drivers Association, Inc. v. Federal Motor Carrier Safety Administration*, 494 F.3d 188 (DC Cir. 2007)). In response to the DC Circuit Court decision, FMCSA published an interim final rule (IFR) on December 17, 2007 (72 FR 71247) that reinstated the two provisions vacated by the Court and sought further comments on those provisions.

For a full background on this rulemaking, please see the preamble to the December 2007 HOS IFR. The docket for this rulemaking (FMCSA-2004-19608) contains all of the background information for this rulemaking, including comments.

This notice advises of the availability of four additional documents. FMCSA remains committed to issuing a final rule in 2008 and any comments on the four documents should be submitted as soon as possible.

*FMCSA is placing the following four documents in the docket:*

- "Integrated Report: Peer Review of R. J. Hanowski *et al.*, "Analysis of Risk as a Function of Driving Hours: Assessment of Driving Hours 1 through 11." The separate reviews were conducted by D.A. Perrin (January 23, 2008), G. Belenky and L.J. Wu (February 6, 2008), and S.R. Hursh and J. Fanzone (February 7, 2008). This peer review was conducted at the request of FMCSA.

- "Review of Hours of Service Regulatory Impact Analysis (RIA) Report," conducted by Linda Ng Boyle, Ron Knipling, and Greg Belenky, and dated December 27, 2007. This peer review was conducted at the request of FMCSA.

- "Hours of Service Regulatory Impact Analysis: Peer Review Results and FMCSA Responses," dated May 2008. This document was prepared in response to the requested peer review of the RIA that accompanied the 2007 HOS IFR.

- "Analysis of Fatigue-Related Large Truck Crashes, the Assignment of Critical Reason, and Other Variables Using the Large Truck Crash Causation Study." This analysis, dated May 30, 2008, was prepared by FMCSA.

Issued on: June 20, 2008.

**John H. Hill,**  
Administrator.

[FR Doc. E8-14491 Filed 6-24-08; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 15)]

#### Regulations Governing Fees for Services Performed in Connection With Licensing Related Services—2008 Update

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Stay of effective date.

**SUMMARY:** This document contains corrections to the preamble of the Board's Final Rules, which was published in the **Federal Register** of Wednesday, June 18, 2008 (73 FR 34649). The Final Rules adopted the 2008 User Fee Update and revised the fee schedule to reflect increased costs associated with the January 2008 Government salary increases, and the Board's overhead costs, and to reflect changes in Government fringe benefits. After the rules were published, an inadvertent error involving the effective dates of the rules was noticed. The effective dates of these final rules are July 18, 2008, rather than June 18, 2008.

**DATES:** The amendments to 49 CFR 1002.1 (a) through (e), (f)(1), and (g)(6), and 49 CFR 1002.2(f), published June 18, 2008 (73 FR 34649) are stayed until July 18, 2008.

**FOR FURTHER INFORMATION CONTACT:** David T. Groves, (202) 245-0327, or Anne Quinlan, (202) 245-0309. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** On June 18, 2008, the Board issued Final Rules in the above-docketed proceeding, *Regulations Governing Fees for Services Performed in Connection With Licensing Related Services—2008 Update*, 73 FR 34649 (June 18, 2008). After the rules were published, an inadvertent error involving the effective dates of the rules was noticed. The effective dates of the final rules are July 18, 2008, rather than June 18, 2008.

Decided: June 20, 2008.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Anne Quinlan,**  
Acting Secretary.

[FR Doc. E8-14346 Filed 6-24-08; 8:45 am]

**BILLING CODE 4915-01-P**