

**Authority:** 42 U.S.C. 4001 *et seq.*;  
Reorganization Plan No. 3 of 1978, 3 CFR,  
1978 Comp., p. 329; E.O. 12127, 44 FR 19367,  
3 CFR, 1979 Comp., p. 376.

**§ 67.11 [Amended]**

■ 2. The tables published under the  
authority of § 67.11 are amended as  
follows:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified
<b>City of Sacramento, California</b> <b>Docket No.: FEMA-B-7753</b>				
California .....	City of Sacramento .....	Natomas Basin .....	Area West of Natomas East Main Drain- age Canal.	* 33
			Area North of American River .....	* 33
			Area East of Sacramento River .....	* 33

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**City of Sacramento**

Maps are available for inspection at Stormwater Management Program, 1395 35th Avenue, Sacramento, CA 95822.

**Unincorporated Areas of Sacramento County, California**

**Docket No.: FEMA-B-7753**

California	<b>Unincorporated Areas of Sac- ramento County.</b>	Natomas Basin .....	Area West of Natomas East Main Drain- age Canal.	* 33
			Area North of American River .....	* 33
			Area East of Sacramento River .....	* 33

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Sacramento County**

Maps are available for inspection at Municipal Services Agency, Department of Water Resources, 827 7th Street, Room 301, Sacramento, CA 95814.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 17, 2008.

**David I. Maurstad,**

*Federal Insurance Administrator of the  
National Flood Insurance Program,  
Department of Homeland Security, Federal  
Emergency Management Agency.*

[FR Doc. E8-14327 Filed 6-24-08; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND  
SECURITY**

**Coast Guard**

**46 CFR Part 31**

**[USCG-2008-0394]**

**RIN 1625-ZA18**

**Shipping; Technical, Organizational,  
and Conforming Amendments**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule makes non-substantive changes to Title 46, part 31 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard shipping regulations. Specifically, this final rule updates 46 CFR 31.10-16 concerning inspection and certification of shipboard cargo gear. This rule will have no substantive effect on the regulated public.

**DATES:** This final rule is effective June 25, 2008.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2008-0394 and are available for inspection or copying at the Docket Management Facility, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also

find this docket on the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call LCDR Reed Kohberger, CG-5232, Coast Guard, telephone 202-372-1471. If you have questions on viewing the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents for Preamble**

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  - E. Unfunded Mandates Reform Act
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  - G. Civil Justice Reform
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  - I. Indian Tribal Governments
  - J. Energy Effects
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**I. Regulatory History**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds this rule is exempt from notice and comment rulemaking requirements because these changes involve agency organization and practices, and good cause exists for not publishing an NPRM for all revisions in the rule because they are all non-substantive changes. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**II. Background and Purpose**

The Coast Guard periodically makes technical amendments to Title 46 of the Code of Federal Regulations. This rule, which becomes effective June 25, 2008, updates 46 CFR 31.10–16 concerning inspection and certification of shipboard cargo gear. This rule does not create any substantive requirements.

**III. Discussion of Rule**

This rule adds the National Cargo Bureau, Inc. (NCB) to 46 CFR 31.10–16(e) as an organization authorized by the Coast Guard to perform inspections of shipboard cargo gear. In a letter dated March 28, 2007, the Chief of the Office of Vessel Activities, U.S. Coast Guard, confirmed that the NCB is authorized to perform such inspections, and has been since 1960. In a **Federal Register** notice dated December 24, 1960, the Coast Guard announced that valid current certificates and/or registers issued by the NCB may be accepted as *prima facie* evidence of the condition of such gear. 25 FR 13730. The letter and notice are available under docket number USCG–2008–0394 where indicated under the **ADDRESSES** section of this preamble. This technical amendment will afford the public appropriate notice of the NCB's existing authorization to conduct shipboard cargo gear inspections.

**IV. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analysis based on 12 of these statutes or executive orders.

**A. Regulatory Planning and Review**

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.

**B. Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule does not require a general NPRM and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. The Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

**C. Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

**D. Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**E. Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**F. Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**G. Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**H. Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

**I. Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**J. Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**K. Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are

technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### *L. Environment*

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraphs (34)(a) and (b) of the Instruction, from further environmental documentation because this rule involves editorial, procedural, and internal agency functions. A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**.

#### **List of Subjects in 46 CFR Part 31**

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 31 as follows:

#### **PART 31—INSPECTION AND CERTIFICATION**

■ 1. The authority citation for part 31 continues to read as follows:

**Authority:** 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

■ 2. In § 31.10–16, revise paragraph (e) to read as follows:

#### **§ 31.10–16 Inspection and certification of cargo gear-TB/ALL.**

\* \* \* \* \*

(e) The authorization for organizations to perform the required inspection is granted by the Chief, Office of Vessel Activities, Commandant (CG–543), and will continue until superseded, canceled, or modified. The following organizations are currently recognized

by the Commandant (CG–543) as having the technical competence to handle the required inspection:

(1) National Cargo Bureau, Inc., with home offices at 17 Battery Place, Suite 1232, New York, NY 10004.

(2) The International Cargo Gear Bureau, Inc., with home office at 321 West 44th Street, New York, NY 10036.

Dated: June 19, 2008.

**Stefan G. Venckus,**

*Chief, Office of Regulations and Administrative Law, United States Coast Guard.*

[FR Doc. E8–14293 Filed 6–24–08; 8:45 am]

**BILLING CODE 4910–15–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **49 CFR Part 40**

[Docket No. OST–2003–15245]

**RIN 2105–AD55**

#### **Procedures for Transportation Workplace Drug and Alcohol Testing Programs**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation is amending certain provisions of its drug and alcohol testing procedures to change instructions to collectors, laboratories, medical review officers, and employers regarding adulterated, substituted, diluted, and invalid urine specimen results. These changes are intended to create consistency with specimen validity requirements established by the U.S. Department of Health and Human Services and to clarify and integrate some measures taken in two of our own Interim Final Rules. This Final Rule makes specimen validity testing mandatory within the regulated transportation industries.

**DATES:** This rule is effective August 25, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jim L. Swart, Acting Director (S–1), U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone number (202) 366–3784 (voice), (202) 366–3897 (fax), or [jim.swart@dot.gov](mailto:jim.swart@dot.gov) (e-mail).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C.

31300, *et seq.*, 49 U.S.C. 20100, *et seq.*, 49 U.S.C. 5330, *et seq.*, and 49 U.S.C. 45100, *et seq.* (the Omnibus Act), requires the U.S. Department of Transportation (DOT) to use the laboratories certified by, and testing procedures of, the U.S. Department of Health and Human Services (HHS) to ensure “the complete reliability and accuracy of controlled substances tests.” Since Congress specifically limited the scientific testing methodology upon which the DOT can rely in making its drug and alcohol testing regulations, we follow the HHS scientific and technical guidelines, including the amendments to their Mandatory Guidelines.

In its final rule of December 2000 [65 FR 79526], the U.S. Department of Transportation (DOT) made specimen validity testing (SVT) mandatory for the transportation industry contingent upon the HHS publishing its Mandatory Guidelines on SVT. DOT anticipated that HHS would, sometime in 2001, amend its Mandatory Guidelines to establish SVT requirements for HHS-certified laboratories. When it appeared that HHS would not establish final SVT requirements in 2001, we amended 49 CFR part 40 (part 40) to remove the mandatory requirement. We believed it advisable to wait until HHS completed its amendment before making SVT mandatory throughout the transportation industries for all DOT specimens.

On August 9, 2001, the DOT amended part 40 [66 FR 41952] to remove the mandatory requirement because HHS had not finalized its Mandatory Guidelines regarding SVT. SVT would remain authorized but not required.

The DOT issued a May 28, 2003 interim final rule (2003 IFR) [68 FR 31626] in response to scientific and medical information suggesting we modify testing criteria for some specimens that had been considered to be substituted and ultimately were treated as refusals to test. The 2003 IFR modified how the medical review officer (MRO) would deal with any substituted result with creatinine concentrations equal to or greater than 2, but less than or equal to 5 mg/dL [hereafter, “2–5 mg/dL range”]. It did not change the HHS substitution criteria that we had used.

On April 13, 2004, the HHS published a **Federal Register** notice revising its Mandatory Guidelines [69 FR 19644] with an effective date of November 1, 2004. Among the revisions contained in the HHS Mandatory Guidelines were requirements that laboratories modify substituted and diluted specimen testing procedures and reporting criteria. The HHS also revised