

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 358**

[Docket No. 81N-0201]

RIN 0910-AA01

**Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment; Correction****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Final rule; technical amendment; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of August 13, 1998 (63 FR 43302). The document amended the regulation that established conditions under which over-the-counter (OTC) pediculicide drug products (products used for the treatment of head, pubic (crab), and body lice) are generally recognized as safe and effective and not misbranded. The document published with an incorrect address. This document corrects that error.

**EFFECTIVE DATE:** September 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Carolyn C. Harris, Office of Policy (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 98-21794, appearing on page 43302, in the **Federal Register** of August 13, 1998, the following correction is made: On page 43303, in the first column, beginning in the first line, "12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857" is corrected to read "5630 Fishers Lane, rm. 1061, Rockville, MD 20852".

Dated: August 26, 1998.

**William K. Hubbard,***Associate Commissioner for Policy Coordination.*

[FR Doc. 98-23400 Filed 8-31-98; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 558****New Animal Drugs for Use in Animal Feeds; Melengestrol Acetate and Oxytetracycline; Correction****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration is correcting a final rule that appeared in the **Federal Register** of August 3, 1998 (63 FR 41191). The document amended the animal drug regulations to reflect approval of two original new animal drug applications filed by Pharmacia & Upjohn Co. The document published with an incorrect address. This document corrects that error.

**EFFECTIVE DATE:** September 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Carolyn C. Harris, Office of Policy (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 98-20535, appearing on page 41191, in the **Federal Register** of August 3, 1998, the following correction is made: On page 41191, in the third column, in the first paragraph, beginning in the ninth line, "12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857" is corrected to read "5630 Fishers Lane, rm. 1061, Rockville, MD 20852".

Dated: August 26, 1998.

**William K. Hubbard,***Associate Commissioner for Policy Coordination.*

[FR Doc. 98-23399 Filed 8-31-98; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****23 CFR Part 1340**

[Docket No. NHTSA-98-4280]

RIN 2127-AH46

**Uniform Criteria for State Observational Surveys of Seat Belt Use****AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Interim final rule; request for comments.

**SUMMARY:** This document establishes uniform criteria for State seat belt use surveys that are to be conducted in connection with a new Federal grant program. Section 157 of Title 23, United States Code, directs the Secretary of Transportation to allocate funds to States that achieve a seat belt use rate that exceeds, for the past two years, the national average use rate, or that exceeds the highest seat belt use rate achieved by the State in certain designated previous years. For calendar years 1998 through 2001, the new law requires the seat belt use rate submitted by the States to be consistent with measurement criteria established by the Secretary. This document sets forth the criteria to be used by the States to determine their seat belt use rates under this program, starting with surveys conducted in calendar year 1998. These uniform criteria replace the Guidelines for State Observational Surveys of Safety Belt and Motorcycle Helmet Use, which are rescinded by this document.

**DATES:** This interim final rule is effective on September 1, 1998. Comments concerning this rule are due no later than January 29, 1999.

**ADDRESSES:** Comments should refer to the docket number set forth above and be submitted in writing to the Administrator, National Highway Traffic Safety Administration, Room 5220, 400 Seventh Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590: For program issues, Joan Catherine Tetrault, State and Community Services, NSC-01, (202) 366-2674; For legal issues, John Donaldson, Office of the Chief Counsel, NCC-30, (202) 366-1834.

**SUPPLEMENTARY INFORMATION:****New Seat Belt Incentive Grant Program**

Section 1403 of the recently enacted Transportation Equity Act for the 21st Century (Pub. L. 105-178) added a new Section 157 to Title 23 of the United States Code (replacing a predecessor Section 157). The new section authorizes a State seat belt incentive grant program covering fiscal years 1999 through 2003. Under this program, the Secretary of Transportation is directed to allocate funds to the States (beginning in fiscal year 1999) based on their seat belt use rates. Today's rule promulgates the Uniform Criteria for State Observational Surveys of Seat Belt Use (hereafter, Uniform Criteria) to provide guidance to the States on the seat belt use rate information to be submitted

under this new program for calendar year 1998 and beyond.

Section 157 requires the Secretary to allocate funds to States that achieve a seat belt use rate in the preceding two years that is higher than the national average use rate or, failing that, a seat belt use rate that is higher than the highest seat belt use rate achieved by the State during specified previous calendar years. (Section 157 contains another provision for allocation of grant funds, based on innovative projects, but that provision is not addressed in today's notice.) In order to make the calculations necessary to allocate funds under this provision, State seat belt use rate information extending back to calendar year 1996 is needed. For calendar years 1996 and 1997, seat belt use rate information submitted by the States is required to be weighted by the Secretary to ensure national consistency in methods of measurement. Beginning in calendar year 1998, States must measure seat belt use rates following criteria established by the Secretary, to ensure that the measurements are "accurate and representative." In accordance with that mandate, this interim final rule establishes uniform criteria for States to follow in conducting surveys of seat belt use, starting with surveys conducted in calendar year 1998. (Details concerning the procedures the agency will follow in evaluating and adjusting seat belt use rate information to ensure that it is accurate and representative and in making the allocation of funds will be published in the near future in a separate **Federal Register** document.)

#### **State Seat Belt Use Surveys**

The Uniform Criteria published today incorporate, in large part, the Guidelines for State Observational Surveys of Safety Belt and Motorcycle Helmet Use (57 FR 28899, June 29, 1992) (hereafter, Guidelines) that relate to seat belts. However, the new criteria differ in one important respect. Section 157 requires the determination of seat belt use rate to be based on "passenger motor vehicles," a category that includes passenger cars, pickup trucks, vans, minivans, and sport utility vehicles. Consequently, the criteria incorporate the statutory requirement that measurements include the seat belt use rate of occupants of these vehicles. A number of States have not included these vehicles in past seat belt surveys.

Another, more minor respect, in which these Uniform Criteria differ from the Guidelines, is that the observation of child restraint use is not included in the survey. The agency has removed this requirement because Section 157 does

not include child restraint devices within the definition of seat belts.

Section 157 requires that measurements of seat belt use rates be "accurate and representative." Consequently, these Uniform Criteria clarify the Guidelines in other respects. The agency has made clear that the surveys must include observation of both drivers and front seat outboard passengers (not simply consider them "eligible" for observation, as provided in the Guidelines). In addition, measurements of seat belt use must be taken completely within the calendar year for which the seat belt use rate is reported. Finally, beginning with surveys conducted during calendar year 1999, both in-state and out-of-state vehicles must be counted, to improve the representativeness of measurements. This latter requirement is being phased in next year to provide the States necessary flexibility, in view of time constraints associated with the late enactment of TEA-21. These clarifications, together with other procedures the agency expects to publish in the near future in the **Federal Register** (further discussed below), will ensure consistency and fairness in the allocation of funds.

NHTSA is recommending, in this notice, that seat belt use data be collected so as to enable separate identification for passenger cars and other covered vehicles, and separate identification for drivers and front-seat outboard passengers within these vehicle groups. NHTSA believes that this separation, although not a requirement, will produce useful information for the States, the agency, and others to evaluate trends in seat belt use.

In other particulars, these Uniform Criteria track the Guidelines. For example, the important requirement that surveys have a probability-based design has been retained. So, too, have the requirements that data be collected through direct observation of seat belt use; that the relative error of the estimate of seat belt use not exceed five percent; that counties or other primary sampling units totaling at least 85 percent of the State's population be eligible for inclusion in the sample; and that all daylight hours for all days of the week be eligible for inclusion in the sample. The new criteria continue to require all sample design, data collection and estimation procedures to be well documented. The appendix, containing a sample design that satisfies these criteria, is also retained for useful reference. These and other provisions, continued in today's rule, were

previously published for comment in connection with the Guidelines.

In a separate **Federal Register** document to be published in the near future, the agency will explain the process it plans to follow in reviewing and evaluating surveys submitted by the States in accordance with today's rule, in determining the national average seat belt use rate, and in making allocations of funds. In that document, the agency may consider applying adjustment factors to survey information submitted by the States before making allocations of funds, to further ensure that seat belt use measurements are accurate and representative.

#### **Assistance in Developing Surveys**

The agency stands ready to assist States in their efforts to develop probability-based observational surveys that satisfy the requirements of Section 157 and these uniform criteria. Each NHTSA Regional Office has a data contractor available to provide technical assistance to the States upon request. States that have not yet conducted surveys for calendar year 1998 that satisfy these criteria may wish to submit proposed survey designs to NHTSA for review, in order to verify that the survey design satisfies these new criteria. This may be especially helpful for States that have not received approval of the similar surveys that were required for award of grant funds under the Guidelines.

#### **State Eligibility for Grant Funds**

The Uniform Criteria published today are effective immediately. States must become promptly familiar with these criteria because they apply to surveys required to be conducted during the current calendar year. States that fail to conduct a calendar year 1998 survey in accordance with these criteria will not be eligible, during fiscal year 2000 and possibly beyond, for Section 157 grant funds that are based on the submission of seat belt use rate information.

The Uniform Criteria are limited in scope to the substantive requirements related to State observational surveys. The agency expects to publish in the near future, in a separate **Federal Register** document, details concerning the procedures the agency will follow in evaluating seat belt use rate information and in making the allocation of funds. However, in order to provide the States with as much planning flexibility as possible in light of the imminence of the requirements concerning calendar year 1998 surveys, brief information about submission and review procedures is provided here.

The agency anticipates that review procedures for surveys will remain essentially unchanged from those that applied under the Guidelines. Specifically, States seeking to qualify for an allocation of Section 157 funds based on their seat belt use rate will submit the documentation of their survey design described under the "Documentation" section of these uniform criteria for review by the agency. Based on the documentation submitted, NHTSA will determine whether the survey meets the requirements of these criteria.

Pending the publication of specific procedural guidance in the **Federal Register**, States that have not yet conducted a survey for calendar year 1998 are encouraged to seek pre-approval of their survey documentation by NHTSA. States that have conducted a survey for calendar year 1998 are also encouraged to submit survey documentation for review by NHTSA, to confirm that the survey they have conducted does, in fact, conform to these criteria. This will avoid the situation where non-compliance is discovered too late to conduct another survey during calendar year 1998.

#### **Previous Survey Guidelines Rescinded**

With the publication of these Uniform Criteria for State Observational Surveys of Seat Belt Use, the agency is simultaneously rescinding the Guidelines. The agency published these latter guidelines to describe survey requirements for States seeking to receive grants under Section 153 of Title 23, United States Code, a grant program which is no longer funded.

#### **Regulatory Analyses and Notices**

##### *Executive Order 12612 (Federalism)*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. While it concerns a new State grant program, this action does not impose any major new requirements on the States. Rather, it makes minor changes to survey procedures that have already been used by many States in a previously authorized grant program and for other purposes.

##### *Executive Order 12778 (Civil Justice Reform)*

This rule does not have any preemptive or retroactive effect. It merely revises existing requirements imposed on States to reflect the

statutory requirements of a new grant program. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

##### *Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

This rulemaking action was reviewed under Executive Order 12866, "Regulatory Planning and Review." The action has been determined to be "significant" under Executive Order 12866 and under the Department of Transportation Regulatory Policies and Procedures because it is likely to result in significant economic impacts. A Final Economic Assessment (FEA) is being prepared for today's rule and for a companion rule, to be published in the near future, that establishes the procedures for allocating funds under the grant program authorized by 23 U.S.C. 157. A copy of the FEA, describing the economic effects in detail, will be placed in the docket for public inspection when the companion rule is published.

Following is a summary of the cost and benefit information for this rule. The total annual cost of conducting surveys following the procedures of this rule (if each State conducted one) is estimated to be \$1.9 million. A State may be eligible for an allocation of funds during each of fiscal years 2000 through 2003 if it conducts a survey of seat belt use during each of calendar years 1998 through 2001, in accordance with the procedures under this rule. Allocations available to the States total \$92,000,000 for fiscal year 2000, \$102,000,000 for fiscal year 2001, and \$112,000,000 for each of fiscal years 2002 and 2003. An allocation totaling \$82,000,000 is available for fiscal year 1999, but that allocation is dependent on criteria other than the survey procedures required under this rule. Depending on the results of State surveys, some funds may remain unallocated, and will be allocated under other procedures. Details of the procedures for allocating all funds will be published in another **Federal Register** document in the near future.

##### *Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the agency has evaluated the effects of this action on small entities. We hereby certify that this action will not have a significant economic impact on a

substantial number of small entities. States are the recipients of any funds awarded under the Section 157 program, and they are not small entities.

##### *Paperwork Reduction Act*

On August 10, 1998, the Department of Transportation submitted an emergency processing information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). On August 17, OMB approved the request for clearance, assigning the collection OMB Clearance No. 2127-0597. The emergency clearance will expire on February 28, 1999. Through February 28, 1999, NHTSA is authorized to collect 17,942 burden hours from the affected States, the District of Columbia, and Puerto Rico.

##### *National Environmental Policy Act*

The agencies have reviewed this action for the purpose of compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and have determined that it will not have a significant effect on the human environment.

##### *Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. This interim final rule does not meet the definition of a Federal mandate, because the resulting annual expenditures will not exceed the \$100 million threshold.

##### **Interim Final Rule**

This document is published as an interim final rule, without prior notice and opportunity to comment. Because this regulation relates to a grant program, the requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, are not applicable. Moreover, even if the notice and comment provisions of the APA did apply, the agency believes that there is good cause for finding that providing notice and comment in connection with this rulemaking action is impracticable, unnecessary, and contrary to the public interest, since it would delay the availability of guidance to States concerning new requirements applicable during calendar year 1998. For the same reasons, we have

determined that notice and an opportunity for comment are not required under the Department's regulatory policies and procedures.

States need this information immediately in order to comply with requirements that are applicable to the observational seat belt surveys they must conduct during the current calendar year. The statute authorizing the grant program to which this interim final rule applies (Pub. L. 105-178) was enacted on June 9, 1998, leaving little time for States to both become familiar with new requirements that apply to these surveys and conduct these surveys before the end of calendar year 1998. Moreover, for safety and practicability reasons, many States in the northern latitudes must conduct surveys before the winter months, leaving even less time for these States to meet the new requirements. For these reasons, pursuant to 5 U.S.C. 808 (Pub. L. 104-121) (The Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act), the agency also, for good cause, finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest, and, therefore, this rule can be made effective upon publication.

As an interim final rule, this regulation is fully in effect and binding upon its effective date. No further regulatory action by the agency is necessary to make the rule effective. However, in order to benefit from comments which interested parties and the public may have, the agency is requesting that comments be submitted to the docket for this rule. All comments submitted in response to this rule, in accordance with the procedures outlined below, will be considered by the agency. Following the close of the comment period, the agency will publish a document responding to the comments and, if appropriate, the agency will amend the provisions of this rule.

#### Comments

The agency is providing a 150-day comment period for interested parties to present data, views, and arguments concerning this rule. The agency invites comments on the issues raised in this notice and any other issues relevant to this action. Comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to these submissions without regard to the 15-page limit.

All comments received by the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. Following the close of the comment period, the agency will publish a document responding to the comments and, if appropriate, the agency will amend the provisions of this rule. The agency will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified of receipt of their comments by the docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receipt of the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 23 CFR Part 1340

Grant programs—transportation, Highway safety, Intergovernmental relations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, title 23, chapter III of the Code of Federal Regulations is amended as set forth below.

1. Part 1340 is added to read as follows:

#### PART 1340—UNIFORM CRITERIA FOR STATE OBSERVATIONAL SURVEYS OF SEAT BELT USE

Sec.

1340.1 Purpose.

1340.2 Applicability.

1340.3 Basic design requirements.

1340.4 Population, demographic, and time/day requirements.

1340.5 Documentation requirements.

Appendix A to Part 1340—Sample Design

**Authority:** 23 U.S.C. 157; delegation of authority at 49 CFR 1.50.

##### § 1340.1 Purpose.

This part establishes uniform criteria for surveys of seat belt use conducted by States under 23 U.S.C. 157.

##### § 1340.2 Applicability.

These uniform criteria apply to State surveys of seat belt use, beginning in calendar year 1998 (except as otherwise provided in this part), and continuing annually thereafter through calendar year 2001.

##### § 1340.3 Basic design requirements.

Surveys conducted in accordance with this part shall incorporate the following minimum design requirements:

(a) *Probability-based requirement.* The sample identified for the survey shall have a probability-based design such that estimates are representative of safety belt use for the population of interest in the state and sampling errors may be calculated for each estimate produced.

(b) *Observational requirement.* Minimum requirements include the following:

(1) The sample data shall be collected through direct observation of seat belt use on roadways within the State, conducted completely within the calendar year for which the seat belt use rate is being reported;

(2) Seat belt use shall be determined by observation of the use or non-use of a shoulder belt;

(3) Observers shall be required to follow a predetermined, clear policy in the event that observations cannot be made at an assigned site at the specified time (due to heavy rain, construction, safety problems, etc.);

(4) Instructions to observers shall specify which road and which direction of traffic on that road are to be observed (observers must not be free to choose between roads at an intersection); and

(5) Observers shall follow clear instructions on how to start and end an observation period and how to stop and start observations if traffic flow is too heavy to observe all vehicles or if vehicles begin moving too quickly for observation (to remove any possible bias, such as starting with the next belted driver).

(c) *Precision requirement.* The relative error (standard error divided by the estimate) for safety belt use must not exceed 5 percent.

##### § 1340.4 Population, demographic, and time/day requirements.

Surveys conducted in accordance with this part shall comply with the following minimum population, demographic, and time/day requirements:

(a) *Population of interest.* (1) Drivers and front seat outboard passengers in passenger motor vehicles (passenger cars, pickup trucks, vans, and sport utility vehicles) must be observed in the survey. (Only overall restraint use for the population of interest is required. However, in order to assist in the evaluation of trends, it is recommended that data be collected in such a way that restraint use estimates can be reported separately for passenger cars and other

covered vehicles, and separately for drivers and front-seat outboard passengers within those vehicle groups.)

(2) Surveys conducted during calendar year 1998 shall be deemed to comply with paragraph (a)(1) of this section if passenger motor vehicles registered in-State are included in the survey. For surveys conducted during calendar year 1999 and thereafter, passenger motor vehicles registered both in-state and out-of-state must be included in the survey.

(b) *Demographics.* Counties, or other primary sampling units, totaling at least 85 percent of the State's population must be eligible for inclusion in the sample. States may eliminate their least populated counties, or other primary sampling units, to a total of fifteen percent or less of the total State population, from the sampling frame.

(c) *Time of day and day of week.* All daylight hours for all days of the week must be eligible for inclusion in the sample. Observation sites must be randomly assigned to the selected day-of-week/time-of-day time slots. If cluster sampling is used, assignment of sites and times within clusters must be random.

#### **§ 1340.5 Documentation requirements.**

All sample design, data collection, and estimation procedures used in State surveys conducted in accordance with this part must be well documented. At a minimum, the documentation must:

- (a) For sample design—
  - (1) Define all sampling units, with their measures of size;
  - (2) Define what stratification was used at each stage of sampling and what methods were used for allocation of the sample units to the strata;
  - (3) Explain how the sample size at each stage was determined;
  - (4) List all samples units and their probabilities of selection; and
  - (5) Describe how observation sites were assigned to observation time periods.
- (b) For data collection—
  - (1) Define an observation period;
  - (2) Define an observation site and what procedures were implemented when the observation site was not accessible on the date assigned;
  - (3) Describe what vehicles were observed and what procedures were implemented when traffic was too heavy to observe all vehicles; and
  - (4) Describe the data recording procedures.

(c) For estimation—

- (1) Display the raw data and the weighted estimates;
- (2) For each estimate, provide an estimate of one standard error and an approximate 95 percent confidence interval; and

(3) Describe how estimates were calculated and how variances were calculated.

#### **Appendix A to Part 1340—Sample Design**

Following is a description of a sample design that meets the final survey guidelines and, based upon NHTSA's experience in developing and reviewing such designs, is presented as a reasonably accurate and practical design. Depending on the data available in a State, substitutions in this design can be made without loss of accuracy. This information is intended only as an example of a complying survey design and to provide guidance for States concerning recommended design options. These are not design requirements. It is recommended that State surveys of safety belt use be designed by qualified survey statisticians.

##### *I. Sample Design*

A. *Sample population:* It is recommended that all controlled intersections or all roadway segments in the State (or in the parts of the State that have not been excluded by the 85 percent demographic guideline) be eligible for sampling.

B. *First Stage:* Usually, counties are the best candidates for primary sampling units (PSUs). In large States with differing geographic areas, it is recommended that stratification of PSUs by geographic region be employed prior to PSU selection. Counties should be randomly selected, preferably with probabilities proportional to vehicle miles of travel (VMT) in each county. If VMT is not available by county, PSUs can also be selected with probability proportional to county population. When sampling PSUs, States should ensure that an adequate mix of rural and urban areas are represented. In some cases, urban/rural stratification must be employed prior to PSU selection. In other cases, it may be more practical to perform urban/rural stratification at the second sampling stage.

C. *Second Stage:* Within sampled PSUs, it is recommended that road segments be stratified by road type. For example, a two-strata design might be major roads vs. local roads, a three strata design might be high, medium and low traffic volume roads. The sample should be allocated to these strata by estimated annual VMT in each stratum. The sample of road segments within a stratum should be selected with probability proportional to average daily VMT. When enumerating all local roads is impractical, additional stages of selection can be introduced and alternative sample probabilities can be used. For example, census tracts within counties can be selected with probability proportional to VMT, or, if VMT is not available, proportional to the square root of the population. Next, within each sampled census tract, road segments can be selected.

D. *Sample Size:* The following tables are provided as rough guidelines for determining sample size for estimating belt use with the required level of precision. The numbers are based on results from previous probability-based seat belt surveys.

#### **DETERMINING FIRST STAGE SAMPLE SIZE**

Number of counties in State	Number of counties in sample
10 .....	7
20 .....	11
30 .....	13
40 .....	15
50 .....	16
60 .....	17
70 .....	18
80 .....	19
90 .....	19
100–120 .....	20
130–170 .....	21
More than 180 .....	22

#### **DETERMINING SECOND STAGE SAMPLE SIZE**

Average number of road segments in each sampled county	Number of road segments sampled in each sample county
50 .....	19
60 .....	20
70 .....	21
80 .....	21
90 .....	22
100 .....	23
200 .....	26
300 .....	27
400 .....	27
500–900 .....	28
More than 1000 .....	29

E. *Example:* To achieve the required level of precision, a State with 100 counties would sample 20 counties at the first stage. At the second stage, assuming an average of 100 road segments in each sampled county, a sample of 23 road segments per county would be selected. The total sample size would be 20×460 observational sites.

##### *II. Data Collection*

A. Exact observation sites, such as the specific intersection on a road segment, should be determined prior to conducting the observations.

B. Direction of traffic to be observed should be determined prior to conducting the observations.

C. If traffic volume is too heavy to accurately record information, predetermined protocol should exist for selecting which travel lanes to observe.

D. Observations should be conducted for a predetermined time period, usually one hour. Time periods should be the same at each site.

E. To minimize travel time and distance required to conduct the observations, clustering of sampled sites can be done. Sample sites should be grouped into

geographic clusters, with each cluster containing major and local roads. Assignment of sites and times within clusters should be random.

F. Two counts should be recorded for all eligible vehicles:

1. Number of front seat outboard occupants.

2. Number of these occupants wearing shoulder belts.

### III. Estimation

A. Observations at each site should be weighted by the site's final probability of selection.

B. An estimate of one standard error should be calculated for the estimate of belt use. Using this estimate, 95 percent confidence intervals for the estimate of safety belt use should be calculated.

Issued on: August 26, 1998.

**Ricardo Martinez,**

*Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 98-23410 Filed 8-27-98; 11:54 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

[4310-55]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

#### **Bristol Bay Federal Subsistence Regional Advisory Council Meeting; Subsistence Management Regulations for Public Lands in Alaska**

**AGENCY:** Forest Service, USDA; Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice informs the public of the Regional Council meeting identified above. The public is invited to attend and observe meeting proceedings. In addition, the public invited to provide oral testimony before the Bristol Bay Advisory Council on a Special Action request to change Subsistence Management Regulations for Public Lands in Alaska for the 1998-1999 regulatory year as set forth in a final rule on June 29, 1998 (63 FR 35332-35381). The Regional Council will receive testimony and consider six requests from local villages asking that federal public lands in Unit 9(E) be closed to taking of caribou by non-qualified subsistence users. Three requests from local villages additionally ask that federal lands be closed to the taking of moose by non-qualified

subsistence users. The requests cite recent information on the continuing decline in population of the North Alaska Peninsula caribou herd. In addition, the severe reduction in the commercial fishery incomes this year is said to result in higher reliance on subsistence food resources.

**DATES:** The Federal Subsistence Board announces the forthcoming public meeting for the Federal Subsistence Regional Advisory Council. The Bristol Bay Regional Council will meet in Naknek, AK on September 2, 1998 at 10:30 A.M. in the Bristol Bay Borough Assembly Chambers.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, (907) 786-3888. For questions related to subsistence management issues on National Forest Service lands, inquiries may also be directed to Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 271-2540.

**SUPPLEMENTARY INFORMATION:** The Regional Councils have been established in accordance with Section 805 of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and Subsistence Management Regulations for Public Lands in Alaska, 36 CFR part 242 and 50 CFR part 100, subparts A, B, and C (57 FR 22940-22964). The Regional Councils advise the Federal Government on all matters related to the subsistence taking of fish and wildlife on public lands in Alaska and operate in accordance with provisions of the Federal Advisory Committee Act.

The Bristol Bay Regional Council meeting will be open to the public. The public is invited to attend this meeting, observe the proceedings, and provide comments to the Regional Council.

This document provides less than the required 15 days notice. However, these requests were just received, and the Federal closure is requested to coincide with a comparable closure by the Alaska Department of Fish and Game which takes effect on September 10, 1998. Thus, in order to provide the Regional Council and the public an opportunity to comment on this proposal before Board action and for the board to act in a timely manner on this proposal, the Board finds good cause under 41 CFR 101-6.1015(b)(2) to conduct the meeting with less than 15 days notice. Additional notice of the meeting will be placed in local papers and broadcast on local radio and television stations.

Dated: August 25, 1998.

**Thomas H. Boyd,**

*Acting Chair, Federal Subsistence Board.*

Dated: August 25, 1998.

**Ken Thompson,**

*Acting Regional Forester, USDA-Forest Service.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Parts 1002, 1182, 1187, and 1188

[STB Ex Parte No. 559]

#### **Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rules.

**SUMMARY:** The Surface Transportation Board (Board) adopts revised procedures governing finance applications involving motor passenger carriers filed under 49 U.S.C. 14303. In addition, the regulations in parts 1187 and 1188 are removed and replaced by new provisions incorporated in part 1182. The rules at part 1002 are modified to redescribe fee categories.

**DATES:** This rule is effective October 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** By decision served and published in the **Federal Register** on July 8, 1997 (49 FR 36477), the Board issued a notice of proposed rulemaking (NPR) proposing to establish revised procedures governing finance applications involving motor passenger carriers, filed under 49 U.S.C. 14303. The proposed regulations would adopt, with modifications, the existing procedures promulgated by the Interstate Commerce Commission (ICC) at 49 CFR 1182.<sup>1</sup> Also, we proposed to remove the regulations at 49 CFR parts 1187 and 1188 and to replace them with provisions incorporated in part 1182. Comments were received from the American Bus Association, Inc. (ABA),

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICTTA), which took effect on January 1, 1996, abolished the ICC and transferred certain of its motor carrier regulatory functions to the Secretary of Transportation (Secretary) and to the Board.