

2. Section 814.39 is amended by revising paragraph (a) introductory text, by removing paragraph (a)(4) and redesignating paragraphs (a)(5) through (a)(8) as paragraphs (a)(4) through (a)(7), respectively, and by adding paragraph (f) before the concluding text to read as follows:

**§ 814.39 PMA supplements.**

(a) After FDA's approval of a PMA, an applicant shall submit a PMA supplement for review and approval by FDA before making a change affecting the safety or effectiveness of the device for which the applicant has an approved PMA, unless the change is of a type for which FDA, under paragraph (e) of this section, has advised that an alternate submission is permitted or is of a type which, under section 515(d)(6)(A) of the act and paragraph (f) of this section, does not require a PMA supplement under this paragraph. While the burden for determining whether a supplement is required is primarily on the PMA holder, changes for which an applicant shall submit a PMA supplement include, but are not limited to, the following types of changes if they affect the safety or effectiveness of the device:

\* \* \* \* \*

(f) Under section 515(d) of the act, modifications to manufacturing procedures or methods of manufacture that affect the safety and effectiveness of a device subject to an approved PMA do not require submission of a PMA supplement under paragraph (a) of this section and are eligible to be the subject of a 30-day notice. A 30-day notice shall describe in detail the change, summarize the data or information supporting the change, and state that the change has been made in accordance with the requirements of part 820 of this chapter. The manufacturer may distribute the device 30 days after the date on which FDA receives the 30-day notice, unless FDA notifies the applicant within 30 days from receipt of the notice that the notice is not adequate. If the notice is not adequate, FDA shall inform the applicant in writing that a 135-day PMA supplement is needed and shall describe what further information or action is required for acceptance of such change. The number of days under review as a 30-day notice shall be deducted from the 135-day PMA supplement review period if the notice meets appropriate content requirements for a PMA supplement.

\* \* \* \* \*

Dated: October 1, 1998.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 98-26928 Filed 10-7-98; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 23 CFR Part 1335

[Docket No. NHTSA-98-4532]

RIN 2127-AH43

### State Highway Safety Data and Traffic Records Improvements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** This document specifies requirements that States must meet to be eligible for incentive grants for improved highway safety data and traffic records systems. It is being adopted in accordance with the provisions of the Transportation Equity Act for the 21st Century.

To enable States to begin qualifying for grants as soon as possible, the requirements are being published in an interim final rule, which will go into effect prior to providing notice and the opportunity for comments. However, NHTSA requests comments on the rule. Following the close of the comment period, NHTSA will publish a separate document responding to the comments and, if appropriate, will amend the regulation.

**DATES:** This interim final rule becomes effective November 9, 1998. Comments on this interim rule are due no later than December 7, 1998.

**ADDRESSES:** Written comments should refer to the docket number of this notice, and be submitted (preferably two copies) to: Docket Management, Room PL-401, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are Monday-Friday, 10 a.m. to 5 p.m., excluding Federal holidays.)

**FOR FURTHER INFORMATION CONTACT:** Mr. John Oates, Chief, Implementation Division, Office of State and Community Services, NSC-01, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-2121 or Ms. Sharon Y. Vaughn, NCC-30, NHTSA,

400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366-1834.

**SUPPLEMENTARY INFORMATION:** The Transportation Equity Act for the 21st Century (TEA-21) was signed into law on June 9, 1998, as Public Law 105-178. Section 2005 of TEA-21 established a new Section 411, entitled State Highway Safety Data Improvements, in Title 23, United States Code (Section 411). Under this new program, States may qualify for incentive grant funds by adopting and implementing effective highway safety data and traffic records improvement programs which meet specified statutory criteria.

### Background

For a highway safety program to be effective, it must include a process that identifies highway safety problems, develops measures to address the problems, implements the measures, and evaluates the results. Each stage of the process depends on the availability of highway safety data and traffic records. If these data and records are not accurate, comprehensive, and timely, the program will not be likely to achieve its goals. For this reason, highway safety program managers have always sought improved data and traffic records.

By including Section 411 in TEA-21, Congress has created a grant program to assist the States in developing more accurate, timely and complete highway safety data and traffic records systems. A State that satisfies each of Section 411's criteria will have increased its ability to ensure that its actions to reduce highway deaths and injuries will be effective.

For the purpose of this program, a State means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands.

### Components required by Section 411

Section 411 provides that a State's highway safety data and traffic records system should have three basic components, all of which must be present if the State is to receive multiple-year grants: a committee to coordinate the development and use of highway safety data and traffic records; a systematic assessment of the State's highway safety data and traffic records; and a strategic plan for the continued improvement of highway safety data and traffic records. Experience has shown that each of these components is essential for a successful highway safety data and traffic records program. The following sections discuss each of these components.

### 1. Coordinating Committee

In Section 411, Congress recognized that many agencies and organizations within each State have information relevant to highway safety and that coordination among them is essential in order for States to fulfill their role in highway safety. Improved coordination leads to more efficient and effective data collection and analysis methods, promotes data collection and analysis standards, and results in traffic safety data that is timely, accurate and complete. Additionally, coordination may expand the dissemination of comprehensive data as well as the use of the data.

The rule accordingly provides that a qualifying State must have a coordinating committee for highway safety data and traffic records. As provided in § 1335.4 of the rule, the members of the committee must be drawn from the agencies and organizations throughout the State that administer, collect and use highway safety data and traffic records, and the committee must include representatives of highway safety, highway infrastructure, traffic enforcement, public health, injury control, and motor carrier organizations.

Among its enumerated powers, the coordinating committee must have authority to review any of the State's highway safety data and traffic records systems and to review changes to those systems before the changes are implemented. This oversight authority is vital to the effectiveness of the committee. The rule requires that, to receive a grant in subsequent years, the State must certify that the committee continues to operate and supports the strategic plan.

### 2. Highway Safety Data and Traffic Records Assessment

The second prerequisite for multiple-year grants under Section 411 is that the State must have conducted, within the preceding five years, an assessment of its highway safety data and traffic records. An assessment is an in-depth formal review of a State's highway safety data and traffic records system. The objective of an assessment is to provide the State with an impartial report of the status of the highway safety data and traffic records system in the State. For the purpose of this rule, an assessment includes an audit or strategic planning analysis.

As embodied in § 1335.5 of the rule, the assessment must be conducted by an organization or group that is knowledgeable about highway safety data and traffic records systems, but

independent from the organizations involved in the administration, collection and use of the highway safety data and traffic records systems in the State. Final reports prepared by an assessment team provide States with documentation that can be used constructively by the State to obtain resources to make improvements to the highway safety data and traffic records system.

To guide the States in their assessment process, NHTSA strongly recommends that the States use the model assessment process jointly developed by NHTSA and the Federal Highway Administration (FHWA). At a meeting of an expert panel, held in Washington, D.C. on April 30—May 1, 1998, the agencies presented their criteria in the form of a Traffic Records Advisory and an accompanying Traffic Records Assessment. The expert panel was formed specifically to assist NHTSA and the FHWA to revise the current Traffic Records Highway Safety Program Advisory. These documents describe the elements that each system of highway safety data and traffic records should contain and outline the steps that a State can take to ensure that its system contains these elements.

The assessment process has already shown results in States that have used it. States have used assessment reports as a basis for requesting resources for system improvements and for developing strategic traffic records plans. Many of the plans have resulted in short term, relatively low cost improvements (e.g. elimination of duplicate data entry procedures) to State systems as well as improved coordination for future system improvements.

### 3. Strategic Plan

The third prerequisite for multiple-year Section 411 grants is that the State must have developed a strategic plan for the improvement of its highway safety data and traffic records system.

As provided in § 1335.6 of the rule, a strategic plan must be a multi-year plan that identifies and prioritizes the highway safety data and traffic records needs and goals of a State and identifies performance-based measures by which progress towards those goals will be determined. A strategic plan provides a framework for implementing a system and identifies a statewide approach toward improving coordination, management, integration, and expanded use of highway safety data systems and information for traffic safety plans, programs and policies. The strategic plan defines a shared vision for systematically improving a State's

highway safety data and traffic records system and is based on issues and needs identified in its most recent highway safety data and traffic records system assessment.

As a condition for a State's continued eligibility for a grant, the rule requires that the State submit or update its strategic plan each year and that it include information in each application for a subsequent-year grant that shows the progress that the State has made in achieving the goals of the strategic plan.

In developing their strategic plans, States are encouraged to use the "National Agenda for the Improvement of Highway Safety Information Systems," as developed by the Traffic Records Committee of the National Safety Council, in cooperation with NHTSA and the FHWA. The agenda is designed to influence policy makers to adopt six major goals for improving traffic records systems nationwide:

- Instilling an appreciation of the value of highway safety information systems among state, local and national leaders;
- Assuring a coordinated approach to the collection, management and use of data among all organizations with responsibility for transportation policy;
- Integrating the planning of highway safety programs and highway safety information systems;
- Providing managers and users with resources to select appropriate technologies to support information needs;
- Establishing a cadre of professionals in each state trained in analytic methods appropriate for evaluation of highway safety information; and
- Establishing technical standards for characteristics of highway safety information systems.

### Model Data Elements

Paragraph (a)(2) of Section 411 requires the Secretary, in consultation with States and other appropriate parties, to determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

As provided in the directive of Section 411, NHTSA has determined that the Model Minimum Uniform Crash Criteria (MMUCC) serve the purposes of the law and has defined "model data elements" to mean the elements specified in the MMUCC. The agency developed the MMUCC criteria in cooperation with the FHWA and the National Association of Governor's Highway Safety Representatives, and presented them in final form at the National Safety Council's 24th

International Forum on Traffic Records and Highway Information Systems in July 1998. While conformity to the MMUCC is not required for grant eligibility under Section 411, NHTSA strongly encourages the States to employ the criteria in their highway safety data and traffic records systems, and to consider these criteria when conducting their assessments and developing their strategic plans.

#### Types of Grant

Section 411 anticipates that some States may not be able to meet all three prerequisites in the first or even the second year of the Section 411 program. The statute further anticipates that the strategic plan will be the most complex, and the most time-consuming, prerequisite to meet.

Accordingly, the section provides for three types of grants: a "start-up" grant, in the amount of \$25,000, to each State that is not eligible for the other grants, provided that the State certifies that it will use the grant to meet the requisite components in the following year; an "initiation" grant, in the amount of \$125,000, to each State that has established a coordinating committee, has performed or updated an assessment within the last five years, and has initiated the development of a strategic plan; and an "implementation" grant, in the amount described below, to each State that has established a coordinating committee, has performed or updated an assessment within the last five years, and has developed a strategic plan.

The first two types of grants are available for one year only; the third grant is available for multiple years. A State that initially qualifies for a start-up grant may qualify for an initiation or an implementation grant in a subsequent fiscal year, if the State meets the criteria for these types of grants. A State that qualifies for an initiation or an implementation grant in any fiscal year may only receive implementation grants in subsequent fiscal years.

The amount a State receives for an implementation grant is determined by a formula. The amount will be determined by multiplying the amount appropriated to carry out 23 U.S.C. 411 by the ratio that the funds apportioned to the State under 23 U.S.C. 402 for fiscal year 1997 bears to the funds apportioned to all States under 23 U.S.C. 402 for fiscal year 1997, with the following exceptions. If the State has not received an initiation or an implementation grant under the Section 411 program in a previous fiscal year, the State shall receive no less than \$250,000. If the State has received either of these two grants under the Section

411 program in a previous fiscal year, the State shall receive no less than \$225,000.

All grant amounts are subject to the availability of funds, as specified in § 1335.9 of these regulations.

#### Limitations on Grant Amounts

No State may receive a grant in more than six fiscal years. A total of \$32 million has been authorized for the Section 411 program over a period of four years. Specifically TEA-21 authorizes \$5 million for fiscal year 1999, \$8 million for fiscal year 2000, \$9 million for fiscal year 2001, and \$10 million for fiscal year 2002. Funds may be used by States only to adopt and implement improvements to their highway safety data and traffic records programs. The particular activities for which funds may be used are identified in the statute and are listed in § 1335.10(b).

Under Section 411, States are required to match the grant funds they receive as follows: the Federal share cannot exceed 75 percent of the cost of implementing the highway safety data and traffic records programs adopted to qualify for these funds in the first and second fiscal years the State receives funds; 50 percent in the third and fourth fiscal years it receives funds; and 25 percent in the fifth and sixth fiscal years.

No grant may be made to a State unless the State certifies that it will maintain its aggregate expenditures from all other sources for its highway safety data and traffic records programs at or above the average level of such expenditures in fiscal years 1996 and 1997 (either State or Federal fiscal year 1996 and 1997 can be used).

NHTSA will accept a "soft" match in Section 411's administration, as it has for the agency's Section 402 and 410 programs. By this, the agency means the State's share may be satisfied by the use of either allowable costs incurred by the State or the value of in-kind contributions applicable to the period to which the matching requirement applies. A State cannot, however, use any Federal funds, such as its Section 402 funds, to satisfy the matching requirements. In addition, a State can use each non-Federal expenditure only once for matching purposes.

#### Application Procedures

To receive a grant in any fiscal year, the State is required to submit an application to NHTSA, through the appropriate NHTSA Regional Administrator, which demonstrates that the State meets the requirements of the grant being requested. The particular requirements of these grants are defined

in detail in § 1335.7 of the regulation. The State also must submit the documentation that is listed in § 1335.12, including such items as certifications that the State will use the funds awarded only for the improvement of highway safety data and traffic records programs and that it will administer the funds in accordance with relevant regulations and OMB Circulars.

In both the first and in subsequent years, once a State has been informed that it is eligible for a grant, the State must include documentation in the State's Highway Safety Plan, prepared under the Section 402 program, that indicates how the State intends to use the grant funds. The documentation must include a Program Cost Summary (HS Form 217) obligating the Section 411 funds to highway safety data and traffic records programs.

To be eligible for grant funds, States must submit their applications no later than January 15 of the year in which they are applying for a grant. The first applications will be due by January 15, 1999. The agency will permit (and strongly encourages) States to submit all of these materials in advance of the regulatory deadlines.

Upon receipt and subsequent approval of a State's application, NHTSA will award grant funds to the State and will authorize the State to incur costs after receipt of an HS Form 217. Vouchers must be submitted to the appropriate NHTSA Regional Administrator and reimbursement will be made to States for authorized expenditures. The funding guidelines applicable to the Section 402 Highway Safety Program will be used to determine reimbursable expenditures under the Section 411 program. As with requests for reimbursement under the Section 402 program, States should indicate on the vouchers what amount of the funds expended are eligible for reimbursement under Section 411.

As provided in the statute and this implementing regulation, States that qualify for grants under the Section 411 program are to receive no less than \$25,000 for a "start-up" grant, \$125,000 for an "initiation" grant, \$250,000 for an "implementation" grant (if the State has not received an initiation or an implementation grant in a previous fiscal year), and \$225,000 for an "implementation" grant (if the State has received either an initiation or an implementation grant in a previous fiscal year).

NHTSA intends to distribute all grant funds that are available under Section 411 once the agency has determined which States are eligible to receive

grants. In addition, the Secretary may transfer any amounts remaining available under Sections 405, 410 and 411 to the amounts made available under any other of these programs to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which it is eligible. Accordingly, if funds remain available under the Section 405 or 410 program, additional grant funds may be transferred to the Section 411 program and distributed to eligible States.

However, the agency's release and the States' receipt of the minimum grant amounts identified above will be subject to the availability of funding for each fiscal year. If there are insufficient funds to award these minimum grant amounts to all eligible States in any fiscal year, each eligible State will receive a proportionate share of the available funds.

Project approval, and the contractual obligation of the Federal government to provide grant funds, shall be limited to the amount of funds released.

#### **Interim final rule**

These regulations are being published as an interim final rule. Accordingly, the new regulations in Part 1335 are fully in effect 30 days after the date of the document's publication. No further regulatory action by the agency is necessary to make these regulations effective.

These regulations have been published as an interim final rule because insufficient time was available to provide for prior notice and opportunity for comment. Grants will be available beginning in FY 1999, and applications for FY 1999 grants must be received by the agency under this regulation by January 15, 1999. To meet the grant criteria for an implementation grant, States must have established a coordinating committee, completed an assessment and completed a strategic plan. The States have a need to know what the criteria for grants under this program will be as soon as possible so they can take steps to meet these criteria.

In the agency's view, the States will not be impeded by the use of an interim final rule. The procedures that States must follow under this new program are similar to procedures that States have followed in other grant programs administered by NHTSA. These procedures were established by rulemaking and were subject to prior notice and opportunity for comment.

Moreover, the criteria are derived from the Federal statute and their implementation does not involve a significant amount of discretion on the

part of the agency. For these reasons, 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 that an interim final rule is in the public interest.

The agency requests written comments on these new regulations. All comments submitted in response to this document will be considered. Following the close of the comment period, the agency will publish a document in the **Federal Register** responding to the comments and, if appropriate, will make revisions to the provisions of Part 1335.

#### **Written comments**

Interested persons are invited to comment on this interim final rule. It is requested, but not required, that two copies be submitted.

All comments must be limited to 15 pages in length. Necessary attachments may be appended to those submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

Written comments to the public docket must be received by December 7, 1998. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the above address before and after that date. To the extent possible, comments received after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. NHTSA will continue to file relevant material in the docket as they become available after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

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

Copies of all documents will be placed in Docket No. NHTSA-98-4532; in Docket Management, Room PL-401, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590.

#### **Regulatory Analyses**

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

This interim final rule will not have any preemptive or retroactive effect. The enabling legislation does not establish a procedure for judicial review of rules promulgated under its provisions. There is no requirement that individuals

submit a petition for reconsideration or other administrative proceedings before they may file suit.

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

The agency has examined the impact of this action and has determined that it is not significant under Executive Order 12866 and the Department of Transportation's Regulatory Policies and Procedures.

The action will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way a sector of the economy, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. It will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, and it will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Nor does it raise novel legal or policy issues.

##### *Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agency has evaluated the effects of this action on small entities. Based on the evaluation, the agency certifies that this action will not have a significant impact on a substantial number of small entities. States are the recipients of any funds awarded under the Section 411 program, and they are not considered to be small entities, as that term is defined under the Regulatory Flexibility Act.

##### *Paperwork Reduction Act*

This interim final rule contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the agency has submitted a copy of this section to the Office of Management and Budget for its review.

The public information and recordkeeping burden for this collection of information is estimated to be 112 hours annually. The total number of respondents is estimated to be up to 56. The average number of hours per respondent is 2 (112 hours/56 = 2 hours).

Organizations and individuals desiring to submit comments on the information collection requirements should submit them to Docket Management, Room PL-401, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments should refer to the docket

number for this notice and should be sent within 30 days of the publication of this interim final rule.

The agency considers comments by the public on this collection of information in: evaluating whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have a practical use; evaluating the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; enhancing the quality, usefulness, and clarity of the information to be collected; and minimizing the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection will be published in the **Federal Register** after it is approved by the OMB.

For more details see the Paperwork Reduction Act Analysis available for copying and review in the public docket.

The title, description, and respondent description of the information collection are shown below with an estimate of the annual burden.

**Title:** State Highway Data and Traffic Records Improvements

**OMB Clearance number:** Not assigned

**Description of the need for the information and proposed use of the information:** To determine whether States comply with grant criteria, NHTSA is requiring States to submit copies of a list of membership of the coordination committees, assessments and strategic plans. In addition, to allow the agency to track grant funds, NHTSA is requiring States to submit a Program Cost Summary (Form 217), allocating the section 405 funds to occupant protection programs.

**Description of likely respondents (including estimate of frequency of response to the collection of information):** The respondents are the States. All respondents would submit an application and Form 217 to NHTSA in each year they seek to qualify for incentive grant funds.

**Estimate of total annual reporting and record keeping burden resulting from the collection of information:** NHTSA

estimates that each respondent will take 2 hours to prepare and submit the grant application and 1 hour to prepare and submit a Program Cost Summary (Form 217) for an estimated total hour burden on all respondents of 168 hours (3 hours x 56 respondents). Based on an estimated cost of \$50.00 per hour employee cost, each response is estimated to cost a State \$150. If every jurisdiction considered a "State" under this program were to apply, the total cost on all respondents per year would be \$8,400. It is not anticipated, however, that all 56 jurisdictions will apply each year.

#### *National Environmental Policy Act*

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that it will not have any significant impact on the quality of the human environment.

#### *The 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 affects of 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. In addition, this incentive grant program is completely voluntary and States that choose to apply and qualify will receive incentive grant funds.

#### *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 this action will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Accordingly, a Federalism Assessment has not been prepared.

#### **List of Subjects in 23 CFR Part 1335**

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

In consideration of the foregoing, a new Part 1335 is added to Chapter III of Title 23 of the Code of Federal Regulations to read as follows:

### **PART 1335—STATE HIGHWAY SAFETY DATA IMPROVEMENTS**

Sec.

- 1335.1 Scope.
- 1335.2 Purpose.
- 1335.3 Definitions.
- 1335.4 Coordinating committee.
- 1335.5 Assessment.
- 1335.6 Strategic plan.
- 1335.7 Grant requirements.
- 1335.8 Grant amounts.
- 1335.9 Availability of funds.
- 1335.10 Grant limitations.
- 1335.11 Application procedures.
- 1335.12 Contents of application.

**Authority:** 23 U.S.C. 411; delegation of authority at 49 CFR 1.48.

#### **§ 1335.1 Scope.**

This part prescribes the requirements necessary to implement Section 411 of Title 23, United States Code, which encourages States to adopt and implement effective data improvement programs.

#### **§ 1335.2 Purpose.**

The purpose of this part is to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data needed by each State to identify highway safety priorities; to evaluate the effectiveness of these improvements; to link highway safety data systems with other data systems within each State; and to improve the compatibility of the data system of each State with national data systems and data systems of other States to enhance the observation and analysis of national trends in crash occurrences, rates, outcomes, and circumstances.

#### **§ 1335.3 Definitions.**

As used in this part:

(a) *Highway safety data and traffic records* means data and records relating to crashes, roadways, drivers, vehicles, traffic offense citations/convictions, emergency medical services, locations and other data and records relating to highway safety.

(b) *Coordinating committee* means a committee that meets the requirements of § 1335.4 of this part.

(c) *Assessment* means a review of a State's highway safety data and traffic records system that meets the requirements of § 1335.5 of this part. For the purpose of this Part, an assessment includes an audit or a strategic planning analysis.

(d) *Strategic plan* means a multi-year plan that meets the requirements of § 1335.6 of this part.

(e) *Model data elements* means the data elements contained in the final Model Minimum Uniform Crash Criteria (MMUCC) published by the National Highway Traffic Safety Administration

and the Federal Highway Administration (DOT HS 808 745, August 1998).

(f) *State* means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands.

#### § 1335.4. Coordinating committee.

A coordinating committee shall—

(a) Include representatives from the administrators, collectors, and users of State highway safety data and traffic records, including representatives of highway safety, highway infrastructure, traffic enforcement, public health, injury control, and motor carrier organizations;

(b) Have authority to review any of the State's highway safety data and traffic records systems and to review any changes to such systems before the changes are implemented;

(c) Provide a forum for the discussion of highway safety data and traffic records issues and report on any such issues to the organizations in the State that create, maintain, and use highway safety data and traffic records;

(d) Consider the views of the organizations in the State that are involved in the administration, collection and use of the highway safety data and traffic records system; coordinate these views among the organizations; and represent the interests of the organizations within the traffic records system to outside organizations;

(e) Review and evaluate new technologies to keep the highway safety data and traffic records systems up-to-date; and

(f) Develop, implement, and administer the strategic plan specified in § 1335.6 of this part.

#### § 1335.5. Assessment.

An assessment shall—

(a) Be an in-depth, formal review of a State's highway safety data and traffic records system that considers the criteria contained in the model data elements;

(b) Generate an impartial report of the status of the highway safety data and traffic records system in the State; and

(c) Be conducted by an organization or group that is knowledgeable about highway safety data and traffic records systems, but independent from the organizations involved in the administration, collection and use of the highway safety data and traffic records systems in the State.

#### § 1335.6 Strategic plan.

A strategic plan shall—

(a) Be a multi-year plan that identifies and prioritizes the highway safety data and traffic records needs and goals based upon an assessment;

(b) Identify performance-based measures by which progress toward those goals will be determined; and

(c) Be submitted to the coordinating committee for approval.

#### § 1335.7 Grant requirements.

(a) *Start-up grant.* To receive a start-up grant in a fiscal year under this part, a State shall submit an application that complies with § 1335.12, and must have—

(1) Not met the requirements of paragraph (b) or (c) of this section; and  
(2) Not received any grant under this Part in a previous fiscal year.

(b) *Initiation grant.* To qualify for an initiation grant in a fiscal year under this part, a State shall submit an application that complies with § 1335.12, and must have—

(1) Established a coordinating committee;  
(2) Completed or updated an assessment within the five years preceding the date of its application;  
(3) Initiated the development of a strategic plan; and

(4) Not received an initiation or an implementation grant under this part in a previous fiscal year.

(c) *Implementation grant.* To qualify for an implementation grant in a fiscal year under this part, a State shall submit an application that complies with § 1335.12, and must have—

(1) Established a coordinating committee;  
(2) Completed or updated an assessment within the five years preceding the date of its application; and  
(3) Developed a strategic plan.

#### § 1335.8 Grant amounts.

(a) *Start-up grant.* A State that qualifies for a start-up grant under § 1335.7(a) of this part shall be eligible to receive \$25,000.

(b) *Initiation grant.* A State that qualifies for an initiation grant under § 1335.7(b) of this part shall be eligible to receive \$125,000.

(c) *Implementation grant.* A State that qualifies for an implementation grant under § 1335.7(c) of this part shall be eligible to receive an amount determined by multiplying the amount appropriated to carry out 23 U.S.C. 411 by the ratio that the funds apportioned to the State under 23 U.S.C. 402 for fiscal year 1997 bears to the funds apportioned to all States under 23 U.S.C. 402 for fiscal year 1997, except that—

(1) If the State has not received an initiation or an implementation grant under this part in a previous fiscal year, the State shall receive no less than \$250,000; and

(2) If the State has received an initiation or an implementation grant under this part in a previous fiscal year, the State shall receive no less than \$225,000.

#### § 1335.9 Availability of funds.

(a) The release of grant funds under this part in a fiscal year shall be subject to the availability of funds for that fiscal year. If there are expected to be insufficient funds to award the grant amounts specified in § 1335.8 to all eligible States in any fiscal year, NHTSA may release less than these grant amounts upon approval of the State's application and plan, up to the State's proportionate share of available funds. Project approval and the contractual obligation of the Federal government to provide grant funds shall be limited to the amount of funds released.

(b) If any amounts authorized for grants under this part for a fiscal year are expected to remain unobligated in that fiscal year, the Administrator may transfer such amounts to the programs authorized under 23 U.S.C. 405 and 23 U.S.C. 410, to ensure to the extent possible that each State receives the maximum incentive funding for which it is eligible.

(c) If any amounts authorized for grants under 23 U.S.C. 405 and 23 U.S.C. 410 are transferred to the grant program under this part in a fiscal year, the Administrator shall distribute the transferred amounts so that each eligible State receives a proportionate share of these amounts, subject to the conditions specified in § 1335.8 and paragraph (a) of this section.

#### § 1335.10 Grant limitations.

(a) No State may receive a grant under this part in more than six fiscal years.

(b) Grants may be used by States only to adopt and implement effective highway safety data and traffic records programs:

(1) To improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State and local highway and traffic safety programs;

(2) To evaluate the effectiveness of efforts to make such improvements;

(3) To link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

(4) To improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(c) In the first and second Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 75 percent.

(d) In the third and fourth Federal fiscal year in which a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 50 percent.

(e) In the fifth and sixth Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 25 percent.

#### **§ 1335.11 Application procedures.**

(a) A State applying for a grant under this part shall submit an original and two copies of its application to the NHTSA Regional Administrator for the Region in which the State is located.

(b) To be considered for a grant in any fiscal year, an application must be received by the agency not later than January 15 of that fiscal year.

(c) Within 30 days of being informed by NHTSA that it is eligible for a grant, a State shall submit to the agency a Program Cost Summary (HS Form 217) obligating the funds under this part to highway safety data and traffic records programs.

(d) The State shall document how it intends to use the funds under this part in the Highway Safety Plan it submits pursuant to 23 CFR 1200.

#### **§ 1335.12 Contents of application.**

(a) *Start-up grant.* An application for a start-up grant under § 1335.7(a) shall certify that the State —

(1) Does not meet the requirements of § 1335.7 (b) or (c) of this part; and

(2) Will use the grant funds to conduct activities necessary to qualify for a grant under § 1335.7 (b) or (c) of this part in the next fiscal year.

(b) *Initiation grant.* An application for an initiation grant under § 1335.7(b) shall—

(1) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(2) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment; and

(3) Certify that the State has initiated the development of a strategic plan, with the supervision and approval of the coordinating committee.

(c) *Implementation grant.* (1) An application for an implementation grant under § 1335.7(c), if the State has not received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(ii) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment;

(iii) Submit a strategic plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iv) Certify that the coordinating committee continues to operate and supports the strategic plan.

(2) An application for an implementation grant under § 1335.7(c), if the State has received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the coordinating committee continues to operate and supports the strategic plan and identify any changes to the membership of the coordinating committee;

(ii) Submit a strategic plan or an update to the plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iii) Report on the progress of the State in implementing the strategic plan since the State's previous application.

(d) *Any grant under this part.* An application for a grant under § 1335.7 (a), (b), or (c) of this part shall certify that the State will:

(1) Use the funds awarded under 23 U.S.C. 411 only to adopt and implement an effective highway safety data and traffic records program, in accordance with 23 CFR 1335.10(b);

(2) Administer the funds in accordance with 49 CFR part 18 and OMB Circulars A-102 and A-87; and

(3) Maintain its aggregate expenditures from all other sources for highway safety data and traffic records programs at or above the average level of such expenditures in Federal fiscal

years 1996 and 1997 (either State or federal fiscal year 1996 and 1997 can be used).

Issued on: October 2, 1998.

**Philip R. Recht,**

*Deputy Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 98-26924 Filed 10-2-98; 4:53 pm]

BILLING CODE 4910-59-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[PA-4076a; FRL-6166-1]

### **Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> RACT Determinations for Individual Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) for four (4) major sources located in Pennsylvania. The intended effect of this rule is to approve source-specific plan approvals, operating permits and compliance permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act.

**DATES:** This final rule is effective December 7, 1998 unless within November 9, 1998, adverse or critical comments are submitted. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Comments may be mailed to David Campbell, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air