

or feed resulting from the use of a pesticide chemical when EPA authorizes an emergency exemption or a crisis exemption. EPA will consider establishing such a tolerance only if an applicant under FIFRA section 18 either has requested an emergency exemption, or has stated its intention to declare a crisis exemption under FIFRA section 18 for a use that may result, directly or indirectly, in pesticide chemical residues in food or feed.

§ 176.7 Information needed to establish a tolerance.

(a) EPA will establish a time-limited tolerance only if EPA can determine that the tolerance is safe, that is, there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue. EPA will base its determination upon data submitted by the applicant and other readily available data. If, taking into account the limited duration and emergency nature of a section 18 application, the available data are not adequate to support a reasonable certainty of no harm determination, EPA will not establish a tolerance.

(b) Data and other relevant information to support the establishment of a time-limited tolerance may be submitted by the applicant, or by any other person, in support of the time-limited tolerance. The applicant may also cite relevant data previously submitted to the Agency.

§ 176.9 Publication of a tolerance.

(a) If EPA concludes that the tolerance will be safe, it may issue a regulation establishing the tolerance and publish a notice to that effect in the **Federal Register**.

(b) A tolerance under this part may be established without prior public notification of a proposed tolerance or comment period.

§ 176.11 Duration of a tolerance.

(a) Tolerances under this part become effective upon publication in the **Federal Register**, unless otherwise specified by the Administrator.

(b) Tolerances will automatically expire and be revoked, without further action by EPA, at the time set out in the **Federal Register** notice establishing the tolerance.

(c) The Administrator may revoke a tolerance at any time if the Administrator determines that the tolerance is no longer safe.

§ 176.13 Modification of a time-limited tolerance.

If additional emergency or crisis exemptions are authorized that would

extend use beyond the date of expiration or revocation of a time-limited tolerance, EPA may modify the time-limited tolerance by extending its duration. EPA will use the same criteria and procedures for modification as for establishing tolerances under this part.

§ 176.15 Effect of a tolerance.

The establishment of a tolerance under this part does not alter the requirement that any State, U.S. Territory, or Federal Agency comply with procedures established in part 166 of this chapter for emergency exemptions of FIFRA.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Parts 5 and 51c

RIN 0906-AA44

Designation of Medically Underserved Populations and Health Professional Shortage Areas

AGENCY: Health Resources and Services Administration, DHHS.

ACTION: Proposed rules; status.

SUMMARY: The Health Resources and Services Administration (HRSA) is announcing its intention to issue a second Notice of Proposed Rulemaking (NPRM) on Designation of Medically Underserved Populations (MUPs) and Health Professional Shortage Areas (HPSAs) following a period of evaluation of comments received, analysis of alternative approaches, and impact testing. This will involve a new 60-day public comment period for the revised proposal.

FOR FURTHER INFORMATION CONTACT: Richard Lee, 301-594-4280.

SUPPLEMENTARY INFORMATION: Proposed rules for designation of MUPs and HPSAs were published on September 1, 1998 (63 FR 46538). The original comment period was extended for an additional 60 days (until January 4, 1999) (63 FR 58679, November 2, 1998), and over 800 comments on the proposed rules were received. Given the large volume of thoughtful comments and the high level of concern that has been voiced about the potential impact of the proposal as published, HRSA believes it is imperative to conduct further analyses before proceeding. This will include a thorough, updated analysis of the impact of the proposal as published, applied to current data for all counties and currently designated MUPs and

HPSAs, followed by testing of a number of possible revisions to the proposal, based on HRSA's analysis of the comments received. HRSA also plans to have one or more independent outside organizations verify its impact testing. A new NPRM will then be published for public comment, with a goal of publishing the revised proposal by the end of 1999. The decision to publish another NPRM with its associated public comment period means that new final regulations likely will not be implemented prior to the fall of 2000.

(Authority: 42 U.S.C. 254c and 42 U.S.C. 254e).

Dated: March 12, 1999.

Claude Earl Fox,

Administrator, Health Resources and Services Administration.

Approved: May 25, 1999.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[OST Docket No. OST-99-5742; Notice 99-4]

RIN 2105-AC78

Drug and Alcohol Testing Procedures

AGENCY: Office of the Secretary, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This advance notice solicits public comments on a proposed procedure that organizations certifying substance abuse professionals (SAPs) could use to have members included in the Department of Transportation's substance abuse professional (SAP) definition. The Department proposes to require such organizations to obtain a National Commission for Certifying Agencies (NCCA) accreditation as a prerequisite for having the DOT review their petitions for inclusion of their members as SAPs in the Department's drug and alcohol testing program. **DATES:** Comments should be submitted on or before August 2, 1999. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Written comments should be sent to Docket Clerk, Att: Docket No. OST-99-5742, Department of Transportation, 400 7th Street, SW., Room PL401, Washington DC 20590.