

complies with HIPAA's nondiscrimination requirements?

2. How do plans and issuers currently obtain genetic information (for example, through health risk assessments, the Medical Information Bureau, or other entities under common control)?

3. Under what circumstances do plans or issuers currently request or require an individual to take a genetic test?

4. Under what circumstances do plans or issuers currently ask for the results of a genetic test in order to make a determination regarding payment of benefits? What is the minimum amount of information necessary for a plan or issuer to make a determination under such circumstances?

5. What types of research do plans or issuers currently conduct or support using genetic tests?

6. Would a model notice be helpful to facilitate disclosure to plan participants and beneficiaries regarding a plan's or issuer's use of the research exception? In this regard, what information would be most helpful to participants and beneficiaries?

7. Similarly, would a model form be helpful for reporting to the Departments by a plan or issuer claiming the research exception? In this regard, what information should plans and issuers report?

8. When might genetic information be collected incidentally?

9. What terms or provisions (such as genetic information, genetic test, genetic services, or underwriting) would require additional clarification to facilitate compliance? What specific clarifications would be helpful?

Signed at Washington, DC this 4th day of June, 2008.

Alan Tawshunsky,

Deputy Division Counsel/Deputy Associate Chief Counsel, Tax Exempt and Government Entities, Internal Revenue Service, Department of the Treasury.

Signed at Washington, DC this 5th day of June, 2008.

W. Thomas Reeder,

Benefits Tax Counsel, Department of the Treasury.

Signed at Washington, DC this 2nd day of October, 2008.

Bradford P. Campbell,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

Dated: June 30, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E8-24194 Filed 10-9-08; 8:45 am]

BILLING CODES 4830-01-P; 4510-29-P; 4120-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 158 and 161

[EPA-HQ-OPP-2008-0110; FRL-8383-6]

Data Requirements for Antimicrobial Pesticides; Notice of Public Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public workshop.

SUMMARY: EPA is convening a public workshop to explain the provisions of its recently proposed rule to update and revise the data requirements for registration of antimicrobial pesticides. The workshop is intended to provide an opportunity for members of the public to ask questions about the proposed rule and seek any clarification they believe may assist them in submitting comments to the docket for the proposed rule. Any person wishing to comment on the proposed rule must submit any comments to the docket within the timeframe set forth in the Notice of Proposed Rulemaking.

DATES: The meeting will be held on November 6, 2008, from 8:30 a.m. to 4:00 p.m.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Office of Pesticide Programs (OPP), First Floor Conference Center, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

To facilitate the Agency's planning, your intention to participate in the Antimicrobials Workshop, may be submitted to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Kathryn Boyle, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703.305.6304; fax number: 703.305.5884; e-mail address: boyle.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are a producer of pesticide products (NAICS code 32532), antifoulants (NAICS code 32551), antimicrobial pesticides (NAICS code 32561) or wood

preservatives (NAICS code 32519), importers of such products, or any person or company who seeks to register an antimicrobial, antifoulant coating, ballast water treatment, or wood preservative pesticide or to obtain a tolerance for such a pesticide. This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed above could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, please contact Norm Cook, Chief of the Risk Assessment and Science Support Branch in the Antimicrobials Division of the Office of Pesticide Programs at 703-308-8253 or via email, cook.norm@epa.gov.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket ID number EPA-HQ-OPP-2008-0110. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

II. Background

EPA is convening a public workshop to explain the proposed revisions to the data requirements for the registration of antimicrobial pesticides. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA), anyone seeking to register a pesticide product is required to provide information to EPA to demonstrate that their products can be used without posing "unreasonable adverse effects on the environment" as defined by FIFRA section 2(bb).

The public workshop will include presentations by staff from the Antimicrobial, and the Field and

External Affairs Divisions of the Office of Pesticide Programs. The proposed revisions are directed at antimicrobial pesticides, not conventional pesticides, biochemical and microbial pesticides or product performance data requirements. Nonetheless, all interested parties are welcome and may benefit from the discussions since two areas not addressed in the conventional pesticide (72 FR 60934), or biochemical and microbial pesticide (72 FR 60988) data requirements final rules are addressed in the antimicrobial data requirements proposed rule. These two areas are: down-the-drain data requirements and the Program's use of structure-activity-relationship (SAR).

During the workshop, persons in attendance will be able to ask questions regarding the proposed rule and/or material being presented and seek any clarification they believe may assist them in submitting comments to the docket for the proposed rule. Any person wishing to comment on the proposed rule must submit any comments to the docket within the timeframe set forth in the Notice of Proposed Rulemaking for the proposed rule.

The proposed revisions were issued in the **Federal Register** of October 8, 2008. A 90-day comment period will end on January 6, 2009. A limited number of copies of the proposed rule will be available at the workshop. Attendees are encouraged to access the electronic version of the proposed rule from the regulations.gov website under Docket ID No. EPA-HQ-OPP-2008-0110.

List of Subjects in 40 CFR Parts 158 and 161

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 17, 2008.

Debra Edwards,

Director, Office of Pesticide Programs.

[FR Doc. E8-24025 Filed 10-9-08; 8:45 am]

BILLING CODE 6560-50-S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2300

[WO-350-08 1430 PN]

RIN 1004-AE05

Land Withdrawals; Removal of Regulations Covering Emergency Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would remove regulations that provide for emergency withdrawals. These regulations are redundant, since public lands can be protected without substantial delay via conventional withdrawal procedures, without recourse to the regulations providing for emergency withdrawals. Moreover, constitutional issues may arise whenever a Congressional committee directs the Secretary of the Interior (Secretary) to withdraw lands immediately.

DATES: Send your comments on this proposed rule to the BLM on or before October 27, 2008. Comments received or postmarked after this date may not be considered in the decision-making process on the issuance of the proposed rule.

ADDRESSES: You may mail written comments to the Director (630), Bureau of Land Management, 1620 L Street, NW., Room 401, Washington, DC 20036, Attention: RIN 1004-AE05; or hand-deliver written comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC 20036. Comments will be available for public review at the L Street address from 7:45 a.m. to 4:15 p.m., Eastern Time, Monday through Friday, except Federal holidays. *Federal eRulemaking Portal:* <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For information on the substance of the proposed rule, please contact Jeff Holdren at 202-452-7779 or Vanessa Engle at 202-452-7776. For information on procedural matters, please contact Jean Sonneman at 202-785-6577. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individuals during business hours. FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals.

You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
 - A. Case Law
 - B. 1991 Rulemaking
- III. Discussion of the Proposed Rule
 - A. The Two Processes
 - B. The Constitutional Issue
- IV. Procedural Matters

I. Public Comment Procedures

Electronic Access and Filing Address: You may view an electronic version of this proposed rule at the BLM's Internet home page at <http://www.blm.gov> or at <http://www.regulations.gov>. You may comment via the Internet at: <http://www.regulations.gov>. If you submit your comments electronically, please include your name and return address in your Internet message.

Written Comments: You may mail your comments to: Director (630), Bureau of Land Management, 1620 L Street, NW., Room 401, Washington, DC 20036, Attention: RIN 1004-AE05. You may deliver comments to: 1620 L Street, NW., Room 401, Washington, DC 20036.

Please make your comments as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposed rule that you are addressing.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The Department of the Interior (DOI) may not necessarily consider or include in the Administrative Record for the proposed rule comments that we receive after the close of the comments period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

This proposed rule would remove regulations that provide for emergency withdrawals. These regulations, including 43 CFR 2310.5, provide that the Secretary of the Interior shall withdraw lands immediately upon determining that an emergency exists and that extraordinary measures need to be taken to protect natural resources or