

In §110.2, revise the definition of Classified Information to read as follows:

§110.2 Definitions.

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Classified Information means Classified National Security Information under Executive Order 13526, as amended, or any predecessor or successor Executive Order and Restricted Data under the Atomic Energy Act.

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PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

52. The authority citation for part 150 continues to read as follows:


§150.10 [Amended]

53. In §150.10, the first sentence, remove the reference “150.18.”.

§150.17 [Amended]

54. In §150.17, the last sentence of paragraph (b)(1), remove the reference “NUREG/BR–007” and add in its place the reference “NUREG/BR–0007”.

Dated at Rockville, Maryland, this 19th day of November 2010.

For the Nuclear Regulatory Commission.

Cindy Bladery,
Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

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DEPARTMENT OF ENERGY

10 CFR Part 851

Worker Safety and Health Program: Safety Conscious Work Environment

AGENCY: Office of the General Counsel, Department of Energy (DOE).

ACTION: Notice of denial of petition for rulemaking.

SUMMARY: The Department of Energy received a petition from the Hanford Challenge on August 18, 2009, requesting the initiation of a rulemaking regarding safety policies at DOE’s nuclear facilities. The petition calls for DOE to establish by regulation a safety program using the Nuclear Regulatory Commission’s “Safety-Conscious Work Environment” guidelines as a model. DOE published this petition and a request for comment on October 16, 2009. DOE denies the petition for rulemaking.

DATES: This notice is effective November 30, 2010.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: DOE received numerous comments in response to the notice of the Hanford Challenge petition for rulemaking, published on October 16, 2009, 74 FR 53190. The vast majority of those comments recommended denial of the petition, for two reasons. First, DOE already has numerous regulations in place to protect and encourage employees to raise work-related concerns. Second, not only would instituting a “Safety-Conscious Work Environment” by regulation be redundant, but it would also fail to add any additional protections not already in place. The comments DOE received in favor of the petition were generally related to the existing culture of safety and whistleblower protection. The main concern in these comments was that DOE facilities would be unsafe without an environment where employees could raise concerns without fear of retaliation or reprisal.

After reviewing the existing protections, DOE agrees with the majority of the comments that granting the petition for rulemaking would be unnecessary. Currently, employee protection and safety programs exist in the following statutory and regulatory authorities: 42 U.S.C. 5851, 10 CFR part 708, 10 CFR part 851, 29 CFR 1960.28, 48 CFR 970.0309, and 29 CFR part 24, as well as numerous internal DOE orders and directives including DOE’s Employee Concerns Program (DOE Order 442.1A) and Differing Professional Opinions Manual (DOE Manual 442.1–1). These authorities provide sufficient guidance and protections in which employees can properly raise concerns that will be promptly reviewed and appropriately resolved with timely feedback.

DOE denies the petition for rulemaking because the existing regulations provide legal protection to employees while adequately promoting worker involvement in raising and resolving concerns. Implementing the “Safety-Conscious Work Environment” would be redundant and would fail to add any substantive protections not currently in place. While the petitioner believes that the existing regulations are inadequate, neither DOE’s internal review nor the comments submitted in response to the petition demonstrate that to be the case.

Nevertheless, DOE recognizes that the existing authorities governing safety and employee protection programs can be diverse and confusing. In an attempt to provide as much clarity on this issue as possible, DOE has created a Web site summarizing the existing law and providing a central location consolidating all the relevant standards on this issue. This Web site can be accessed at: http://www.gc.energy.gov/1630.htm. The Department believes that this Web site will increase awareness of the existing protections for DOE employees and DOE contractors and will address the underlying concerns evident in the Hanford Challenge petition for rulemaking and the comments in support thereof.
I. Background

Section 12(i) of the Exchange Act, as amended (15 U.S.C. 78l(i)), authorizes the FDIC to issue regulations applicable to the securities of state nonmember banks that are substantially similar to those of the SEC with respect to its powers, functions, and duties to administer and enforce section 10A(m) (standards relating to audit committees), 12 (securities registration), 13 (periodic reporting), 14(a) (proxies and proxy solicitation), 14(c) (information statements), 14(d) (tender offers), 14(f) (arrangements for changes in directors), and 16 (beneficial ownership and reporting) of the Exchange Act, and sections 302 (corporate responsibility for financial reports), 303 (improper influence on conduct of audits), 304 (forfeiture of certain bonuses and profits), 306 (insider trades during blackout periods), 401(b) (disclosure of pro forma financial information), 404 (management assessment of internal controls), 406 (code of ethics for senior financial officers), and 407 (disclosure of audit committee financial expert) of the Sarbanes-Oxley Act (codified at 15 U.S.C. 7241, 7242, 7243, 7244, 7261, 7262, 7264, and 7265). These regulations must be substantially similar to the regulations of the SEC under the listed sections of the Exchange Act and the Sarbanes-Oxley Act, unless the FDIC publishes its reasons for deviating from the SEC’s rules. The proposed amendments to this part provide references to titles and parts of the CFR, and eliminate references to specific CFR sections and subparts, as a general cross reference is provided in §335.101. The elimination of CFR section and subpart references provides efficiency as regulatory revisions by the SEC impacting CFR sections and subparts will no longer require amendments to part 335 each time a CFR section and subpart is amended.

II. Section by Section Analysis

Part 335 will be amended throughout to reflect the elimination of certain references to sections and subparts of the Code of Federal Regulations that the FDIC is currently required to administer and enforce under section 12(i) of the Exchange Act, provide a general cross reference to the relevant title and part of the Code of Federal Regulations, and reflect required and voluntary electronic filing of FDIC forms. Accordingly, the following sections in part 335 will be amended, where appropriate, to remove references to specific CFR sections and subparts in the SEC’s regulations that have been cross referenced in section 335.101: §335.111 (Forms and schedules), §335.121 (Listing standards related to audit committees), §335.201 (Securities exempted from registration), §335.211 (Registration and reporting), section 335.221 (Forms for registration of securities and other matters), §335.231 (Certification, suspension of trading, and removal from listing by exchanges), §335.241 (Unlisted trading), §335.251 (Forms for notification of action taken by national securities exchanges), §335.261 (Exemptions; terminations; and definitions), §335.301 (Reports of issuers of securities registered pursuant to §12), §335.311 (Forms for annual, quarterly, current, and other reports of issuers), §335.321 (Maintenance of records and issuer’s representations in connection with required reports), §335.331 (Acquisition statements, acquisition of securities by issuers, and other matters), §335.401 (Solicitation of proxies), §335.501 (Tender offers), §335.601 (Requirements of section 16 of the Securities Exchange Act).