

**Authority:** Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 134, 161, 170H., 181, 182, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2160d., 2201, 2210h., 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841; sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005; Pub. L. 109–58, 119 Stat. 594 (2005)).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 *et seq.*).

■ 51. In § 110.2, revise the definition of *Classified Information* to read as follows:

**§ 110.2 Definitions.**

\* \* \* \* \*

*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.

\* \* \* \* \*

**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:

**Authority:** Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2202); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 594 (2005). Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073).

Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

**§ 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 Bladey,**

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

[FR Doc. 2010–29735 Filed 11–29–10; 8:45 am]

**BILLING CODE 7590–01–P**

**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:**

Steven L. Krahn, Acting Deputy Assistant Secretary, Safety Management and Operations, Environmental Management Office, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–2281, e-mail: [steve.krahn@em.doe.gov](mailto:steve.krahn@em.doe.gov).

**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.

Issued in Washington, DC, on November 23, 2010.

Scott Blake Harris,  
General Counsel.

[FR Doc. 2010-30065 Filed 11-29-10; 8:45 am]

BILLING CODE 6450-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 335

RIN 3064-AD67

#### Securities of Nonmember Insured Banks

**AGENCY:** Federal Deposit Insurance Corporation.

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

**SUMMARY:** The FDIC is revising its securities disclosure regulations applicable to state nonmember banks with securities required to be registered under section 12 of the Securities Exchange Act of 1934 (Exchange Act). The final rule cross references changes in regulations adopted by the Securities and Exchange Commission (SEC) into the provisions of the FDIC's securities regulations. Cross referencing will assure that the FDIC's regulations remain substantially similar to the SEC's regulations, as required by law. The final rule provides general references to SEC regulations by title and part of the Code of Federal Regulations (CFR), rather than by specific references to sections and subparts of the CFR as are currently provided in part 335. This revision reflects changes to SEC regulations with respect to small business issuers and will provide general guidance to FDIC filers regarding the electronic filing of certain documents. The amendments to part 335 references to SEC regulations will greatly reduce the need for future revisions of part 335, and the FDIC's regulations will be consistent with the SEC regulations through the cross reference stated in 12 CFR 335.101.

**DATES:** These amendments are effective on November 30, 2010. Comments must be submitted on or before January 31, 2011.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Agency Web Site:* <http://www.fdic.gov/regulations/laws/federal/propose.html>. Follow the instructions

for submitting comments on the FDIC Web site.

- *E-mail:* [comments@FDIC.gov](mailto:comments@FDIC.gov). Include "Part 335—Securities of Nonmember Insured Banks" in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand-delivered to the guard station located at the rear of the FDIC's 550 17th Street building (accessible from F Street) on business days between 7 a.m. and 5 p.m.

*Instructions:* All submissions must include the agency name and use the title "Part 335—Securities of Nonmember Insured Banks." All comments received will be posted, generally without change, to: <http://www.fdic.gov/regulations/laws/federal/propose.html>, including any personal information provided. Paper copies of public comments may be ordered from the FDIC's Public Information Center by telephone at (877) 275-3342 or (703) 562-2200.

**FOR FURTHER INFORMATION CONTACT:** Dennis Chapman, Senior Staff Accountant, Division of Supervision and Consumer Protection, (202) 898-8922 or [dchapman@fdic.gov](mailto:dchapman@fdic.gov); Maureen Loviglio, Senior Staff Accountant, Division of Supervision and Consumer Protection, (202) 898-6777 or [mloviglio@fdic.gov](mailto:mloviglio@fdic.gov); or Mark G. Flanigan, Counsel, Legal Division, (202) 898-7426 or [mflanigan@fdic.gov](mailto:mflanigan@fdic.gov), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

#### SUPPLEMENTARY INFORMATION:

##### 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 sections 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