

applications. *Cf.* 28 CFR 26.23(c)–(d) (providing for receipt and consideration of public comment on State applications for chapter 154 certification).

Accordingly, removal of the entire December 11, 2008 final rule at this time is warranted in order to allow the Attorney General to articulate the standards he will apply in making chapter 154 certification decisions and to obtain public input concerning the formulation of such standards. Pending the completion of a new rulemaking process, receipt and consideration of applications for chapter 154 certification cannot sensibly go forward in the absence of articulated standards for deciding such applications.

### Regulatory Certifications

#### *Executive Order 12866*

This regulation has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review,” section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### *Executive Order 13132*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. This rule merely removes the December 11, 2008 regulations. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### *Executive Order 12988—Civil Justice Reform*

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### *Regulatory Flexibility Act*

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This rule merely removes the December 11, 2008 regulations.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal

governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### List of Subjects in 28 CFR Part 26

Law enforcement officers, Prisoners.

■ Accordingly, for the reasons set forth in the preamble, part 26 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### **PART 26—DEATH SENTENCES PROCEDURES**

■ 1. The authority citation for part 26 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 4001(b), 4002; 28 U.S.C. 509, 510, 2261, 2265.

#### **Subpart B—[Removed and Reserved]**

■ 2. Subpart B is removed and reserved.

Dated: November 15, 2010.

**Eric H. Holder, Jr.,**  
*Attorney General.*

[FR Doc. 2010–29329 Filed 11–22–10; 8:45 am]

**BILLING CODE 4410–18–P**

### **DEPARTMENT OF LABOR**

#### **Occupational Safety and Health Administration**

#### **29 CFR Part 1983**

[Docket No. OSHA–2010–0006]

**RIN 1218–AC47**

#### **Collection of Information Requirement Related to Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008**

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Clarification.

**SUMMARY:** OSHA is informing the public of a collection of information requirement contained in the Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 interim final rule, published August 31, 2010. This clarification notice informs the public about the means by which to comment on this collection of information requirement prior to OSHA’s submission of an information collection request (ICR) extension to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1995.

**DATES:** Comments on the collection of information requirement in this interim final rule must be submitted (postmarked, sent, or received) to the ICR docket, Docket No. OSHA–2010–0049, by December 27, 2010.

#### **FOR FURTHER INFORMATION CONTACT:**

Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3610, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693–2199. This is not a toll-free number. The alternative formats available are large print, electronic file on computer disk (Word Perfect, ASCII, Mates with Duxbury Braille System) and audiotape.

**SUPPLEMENTARY INFORMATION:** On August 31, 2010, OSHA published notice of an interim final rule containing procedures for the handling of retaliation complaints under the employee protection provision of the Consumer Product Safety Improvement Act of 2008 (CPSIA) (75 FR 53533).

In the August 31, 2010 notice, OSHA indicated that the interim final rule did not contain collection of information requirements subject to review by OMB under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (PRA). (75 FR at 53538.) However, upon reconsideration, OSHA has determined that there is a collection of information requirement associated with the initiation of CPSIA whistleblower complaints.

OSHA currently has OMB approval for collection of information requirements related to the handling of retaliation complaints filed under various whistleblower protection statutes in the “Regulations Containing Procedures for Handling of Retaliation Complaints” ICR, OMB Control Number 1218–0236. OSHA is currently requesting that OMB extend approval of

this ICR and has included in its extension request the collection of information requirement contained in the CPSIA whistleblower procedures. As a result of including the collection of information requirement contained in the CPSIA whistleblower procedures in this ICR, the burden hours in the ICR will increase by 4.

The **Federal Register** notice soliciting public comment on the extension of the "Regulations Containing Procedures for Handling of Retaliation Complaints" ICR is in Docket No. OSHA-2010-0049. Comments on the requested extension of this ICR may be submitted to Docket No. OSHA-2010-0049 electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal, or by facsimile, mail, hand delivery, express mail, messenger or courier service to the OSHA Docket office, as indicated in the related **Federal Register** notice.

#### List of Subjects in 29 CFR Part 1983

Administrative practice and procedure, Employment, Consumer protection, Investigations, Reporting and recordkeeping requirements, Whistleblower.

#### Authority and Signature

U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, under the following authorities: 15 U.S.C. 2087, Secretary of Labor's Order 4-2010, 75 FR 55355 (Sept. 10, 2010).

Signed in Washington, DC, on November 17, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-29412 Filed 11-22-10; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1978

[Docket No. OSHA-2008-0026]

RIN 1218-AC36

#### Collection of Information Requirement Related to Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Clarification.

**SUMMARY:** OSHA is informing the public of a collection of information requirement contained in the Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982 interim final rule, published August 31, 2010. This clarification notice informs the public about the means by which to comment on this collection of information requirement prior to OSHA's submission of an information collection request (ICR) extension to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1995.

**DATES:** Comments on the collection of information requirement in the interim final rule must be submitted (postmarked, sent, or received) to the ICR docket, Docket No. OSHA-2010-0049, by December 27, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3610, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2199. This is not a toll-free number. The alternative formats available are large print, electronic file on computer disk (Word Perfect, ASCII, Mates with Duxbury Braille System) and audiotape.

**SUPPLEMENTARY INFORMATION:** On August 31, 2010, OSHA published notice of an interim final rule containing updated procedures for the handling of retaliation complaints under the employee protection provision of the Surface Transportation Assistance Act of 1982 (STAA) (75 FR 53544).

In the August 31, 2010 notice, OSHA indicated that the interim final rule did not contain collection of information requirements subject to review by OMB under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) (PRA). (75 FR at 53552) However, upon reconsideration, OSHA has determined that there is a collection of information requirement associated with the initiation of STAA whistleblower complaints.

OSHA currently has OMB approval for collection of information requirements related to the handling of retaliation complaints filed under various whistleblower protection statutes in the "Regulations Containing Procedures for Handling of Retaliation Complaints" ICR, OMB Control Number 1218-0236. OSHA is currently requesting that OMB extend approval of this ICR and has included in its extension request the collection of

information requirement contained in the updated STAA whistleblower procedures. As a result of including the collection of information requirement contained in the updated STAA whistleblower procedures in this ICR, the burden hours in the ICR will increase by 305.

The **Federal Register** notice soliciting public comment on the extension of the "Regulations Containing Procedures for Handling of Retaliation Complaints" ICR is in Docket No. OSHA-2010-0049. Comments on the requested extension of this ICR may be submitted to Docket No. OSHA-2010-0049 electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal, or by facsimile, mail, hand delivery, express mail, messenger or courier service to the OSHA Docket office, as indicated in the related **Federal Register** notice.

#### List of Subjects in 29 CFR Part 1978

Administrative practice and procedure, Employment, Highway safety, Investigations, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements, Safety, Transportation, Whistleblowing.

#### Authority and Signature

U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, under the following authorities: 49 U.S.C. 31101 and 31105, Secretary of Labor's Order 4-2010, 75 FR 55355 (Sept. 10, 2010).

Signed in Washington, DC, on November 17, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-29415 Filed 11-22-10; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1982

[Docket Number OSHA-2008-0027]

RIN 1218-AC36

#### Collection of Information Requirement Related to Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Clarification.

**SUMMARY:** OSHA is informing the public of a collection of information