

of witnesses and the production of all books, papers, and documents relating to any matter under consideration or investigation.” 25 U.S.C. 2715. Another commentator stated that this issue is already adequately addressed by regulation. Another comment stated that this would be an expansion of the NIGC’s authority and would constitute an unwarranted intrusion into a Tribe’s ability to self-govern.

The Commission agrees with the comments that an amendment is unnecessary because IGRA and NIGC regulations already provide broad authority to access off-site records, including sites maintained and owned by third parties. The amendment contained in the preliminary draft of this regulation did not change this already comprehensive subpoena authority. The proposed revision is thus unnecessary and has not been included in this proposed rule.

#### *B. Investigation Completion Letter*

During consultation, the Commission heard that the regulations should include a process for notifying a Tribe that an investigation has been concluded. Tribal representatives explained that in some instances they were never notified of the results of investigations opened by the NIGC years ago. The lack of any response left Tribes in a situation where when asked, the Tribe had to indicate that they were under investigation. The discussion draft attempted to formalize NIGC’s informal process of advising a Tribe, through NIGC’s authorized representative, after an investigation was terminated. All comments received on the discussion draft were supportive of the concept. However, several comments indicated that such a letter should be mandatory and not discretionary. Because each investigation and Tribe are different, the Commission believes it is important to provide the NIGC with the discretion to evaluate each investigation on a case-by-case basis and to decide to issue a letter based on the facts and circumstances in that particular investigation. The proposed rule retains that discretion. Additionally, the discussion draft titled this section “Investigation Closure Letter”, however, commentators recommended changing the title to “Investigation Completion Letter” stating that “closure” is a term used for closure of a gaming operation. The Commission made this recommended change in this proposed rule.

### **Regulatory Matters**

#### *Regulatory Flexibility Act*

This proposed rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Indian Tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

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

This proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of \$100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies or geographic regions and does not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandate Reform Act*

The Commission, as an independent regulatory agency within the Department of the Interior, is exempt from compliance with the Unfunded Mandates Reform Act. 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

#### *Takings*

In accordance with Executive Order 12630, the Commission has determined that this proposed rule does not have significant takings implications. A takings implication assessment is not required.

#### *Civil Justice Reform*

In accordance with Executive Order 12988, the Office of General Counsel has determined that the proposed rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

#### *National Environmental Policy Act*

The Commission has determined that this proposed rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*

#### *Paperwork Reduction Act*

This proposed rule does not require information collection under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, and is therefore not

subject to review by the Office of Management and Budget.

### **List of Subjects in 25 CFR Part 571**

Gambling, Indian—lands, Indian—Tribal government, Reporting and recordkeeping requirements.

Accordingly, for the reasons discussed in the preamble, the Commission proposes to amend 25 CFR part 571 to read as follows:

### **PART 571—MONITORING AND INVESTIGATIONS**

1. The authority citation for part 571 continues to read as follows:

**Authority:** 25 U.S.C. 2701 *et seq.*

2. Add § 571.4 to read as follows:

#### **§ 571.4 Investigation completion letter.**

In instances where NIGC agency staff have concluded its investigation of a particular matter and will not recommend the commencement of an enforcement proceeding against a respondent at that time, the Commission’s authorized representative, in his or her discretion, may advise the party by letter that the investigation has been completed. An investigation completion letter does not constitute a finding that no violation of IGRA, NIGC regulations, or a Tribe’s approved gaming ordinance occurred. Further, an investigation completion letter does not preclude the reopening of an investigation or the initiation of an enforcement action by the Chair.

Dated: October 3, 2011, in Washington, DC.

**Tracie L. Stevens,**  
*Chairwoman.*

**Steffani A. Cochran,**  
*Vice-Chairwoman.*

**Daniel J. Little,**  
*Associate Commissioner.*

[FR Doc. 2011-25923 Filed 10-11-11; 8:45 am]

BILLING CODE 7565-01-P

## **DEPARTMENT OF LABOR**

### **Mine Safety and Health Administration**

#### **30 CFR Part 75**

#### **RIN 1219-AB65**

### **Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; scheduling of public hearing.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is announcing

the date and location of an additional public hearing on the Agency's proposed rule addressing Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines, published on August 31, 2011.

**DATES:** The public hearing dates and locations are listed in the **SUPPLEMENTARY INFORMATION** section of this document. Comments must be received by midnight Eastern Standard Time on November 14, 2011.

**ADDRESSES:** Comments, requests to speak, and informational materials for the rulemaking record may be sent to MSHA by any of the following methods. Clearly identify all submissions in the subject line of the message with "RIN 1219-AB65".

(1) *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

(2) *Electronic mail:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include "RIN 1219-AB65" in the subject line of the message.

(3) *Facsimile:* 202-693-9441. Include "RIN 1219-AB65" in the subject line of the message.

(4) *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939.

(5) *Hand Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard,

Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

**FOR FURTHER INFORMATION CONTACT:** Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov) (E-mail), 202-693-9440 (Voice), or 202-693-9441 (Fax).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Availability of Information**

MSHA published the proposed rule in the **Federal Register** on August 31, 2011 (76 FR 54163); it is available at <http://www.regulations.gov> and on MSHA's Web site at <http://www.msha.gov/REGS/FEDREG/PROPOSED/2011PROP/2011-22125.PDF>.

##### **II. Public Hearings**

On August 31, 2011, MSHA announced that it would hold three public hearings on its proposed rule for Proximity Detection Systems on Continuous Mining Machines in Underground Coal Mines. Due to requests from the public and to provide maximum opportunity for public participation in this rulemaking, MSHA is adding an additional public hearing. MSHA will hold an additional public hearing on October 27, 2011, in Evansville, Indiana.

The hearings will begin 9 a.m. with an opening statement from MSHA,

followed by an opportunity for members of the public to make oral presentations. Persons do not have to make a written request to speak; however, persons and organizations wishing to speak are encouraged to notify MSHA in advance for scheduling purposes. MSHA requests that parties making presentations at the hearings submit them no later than five days prior to the hearing. Presentations and accompanying documentation will be included in the rulemaking record.

The hearings will be conducted in an informal manner. Formal rules of evidence or cross examination will not apply. The hearing panel may ask questions of speakers and speakers may ask questions of the hearing panel. Verbatim transcripts of the proceedings will be prepared and made a part of the rulemaking record. Copies of the transcripts will be available to the public. The transcripts may also be viewed at <http://www.regulations.gov> and <http://www.msha.gov/tscripts.htm>. MSHA will accept comments and other appropriate information for the record from any interested party, including those not presenting oral statements. Comments must be received by midnight Eastern Standard Time on November 14, 2011.

For the convenience of interested parties, the chart below includes the dates and locations of the four scheduled public hearings:

Date	Location	Contact No.
October 18, 2011 .....	Embassy Suites Denver, Downtown/Convention Center, 1420 Stout St., Denver, CO 80202 .....	303-592-1000
October 20, 2011 .....	Embassy Suites Charleston, 300 Court St., Charleston, WV 25301 .....	304-347-8700
October 25, 2011 .....	Courtyard Washington, Meadow Lands, 1800 Tanger Blvd., Washington, PA 15301 .....	724-222-5620
October 27, 2011 .....	Fairfield Inn Evansville West, 5400 Weston Road, Evansville, Indiana 47712 .....	812-429-0900

Dated: October 7, 2011.

**Joseph A. Main,**

*Assistant Secretary of Labor, for Mine Safety and Health.*

[FR Doc. 2011-26446 Filed 10-7-11; 4:15 pm]

**BILLING CODE 4510-43-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[Docket No. USCG-2011-0106]

RIN 1625-AA08

#### **Special Local Regulations; Recurring Marine Events in the Fifth Coast Guard District**

**AGENCY:** Coast Guard, DHS.

#### **ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to revise the list of special local regulations established for recurring marine events at various locations within the Fifth Coast Guard District. This proposed rule would add 6 new annual recurring marine events, change event date(s) for 12 previously established events, and delete 4 previously listed marine events. Special local regulations are being proposed to provide for the safety of life on navigable waters during these events, reduce the Coast Guard's administrative workload and expedite public notification of events. Entry into or movement within these proposed regulated areas during the enforcement periods is prohibited without approval of the appropriate Captain of the Port.

**DATES:** Comments and related material must be received by the Coast Guard on or before November 14, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2011-0106 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.