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 of 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.

Stefani 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
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. 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,
(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 (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
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:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Contact No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 18, 2011</td>
<td>Embassy Suites Denver, Downtown/Convention Center, 1420 Stout St., Denver, CO 80202</td>
<td>303–592–1000</td>
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<tr>
<td>October 20, 2011</td>
<td>Embassy Suites Charleston, 300 Court St., Charleston, WV 25301</td>
<td>304–347–8700</td>
</tr>
<tr>
<td>October 27, 2011</td>
<td>Fairfield Inn Evansville West, 5400 Weston Road, Evansville, Indiana 47712</td>
<td>812–429–0900</td>
</tr>
</tbody>
</table>

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.

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:
(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