

Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939. OMB clearance requests are available on MSHA's Web site at <http://www.msha.gov> under "Rules & Regs" on the right side of the screen by selecting *Information Collections Requests, Paperwork Reduction Act Supporting Statements*. The document will be available on MSHA's Web site for 60 days after the publication date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because comments will not be edited to remove any identifying or contact information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with this health standard. MSHA has updated the data in respect to the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection extension request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Summary

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Gamma Radiation Surveys.

OMB Number: 1219-0039.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 57.5047(a) and (c).

Total Number of Respondents: 4.

Frequency: 1.

Total Number of Responses: 4.

Total Burden Hours: 8 hours.

Total Other Annual Cost Burden: \$0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: October 5, 2012.

George F. Triebisch,

Certifying Officer.

[FR Doc. 2012-25076 Filed 10-11-12; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before November 13, 2012.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: George F. Triebisch, Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT:

Barbara Barron, Office of Standards, Regulations and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Numbers: M-2012-161-C and M-2012-162-C.

Petitioner: Pocahontas Coal Company, LLC, 109 Appalachian Drive, Beckley, West Virginia 25801.

Mines: Josephine Mine No. 2, MSHA I.D. No. 46-07191, and Josephine Mine No. 3, located in Raleigh County, West Virginia.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

Modification Request: The petitioner requests a modification of the existing standard to eliminate the use of blow-off dust covers for the spray nozzles of a deluge-type water spray system. The petitioner states that the functionality test will be conducted weekly. The petitioner further states that:

(1) Functional tests are currently being conducted weekly and pressure and flow rates for the deluge system are adequately maintained. In some tests, the dust covers do not come off all spray nozzles.

(2) By conducting functional tests weekly, all spray nozzles can be inspected and maintained on a weekly basis.

(3) The dust covers protect the spray nozzles that are tested yearly, and by testing the spray nozzles weekly, the covers are not necessary.

The petitioner asserts that the proposed alternative method will at all times guarantee the miners no less than the same measure of protection as that afforded by the existing standard.

Dated: October 5, 2012.

George F. Triebsch,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 2012-25065 Filed 10-11-12; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2012-0235]

Draft Tribal Protocol Manual and Scoping for Proposed Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is seeking comments on its draft "Tribal Protocol Manual" dated September 2012. After the Tribal Protocol Manual is issued, the NRC intends to use it as a starting point for developing a policy statement on consultation with Native American tribes. The NRC is committed to an open and collaborative regulatory environment in the development of its policies and licensing actions, and therefore is committed to meaningful consultation and coordination with Native American tribes.

In addition to the request for comments on the draft Tribal Protocol Manual, the NRC also seeks suggestions on the development of the proposed tribal consultation policy statement from tribal governments and organizations, the public, and other interested parties. The questions found in section II are offered for consideration. Respondents are not limited to these questions and are encouraged to submit any comments/feedback they think would benefit the NRC in developing a tribal consultation policy statement.

DATES: Submit comments on the draft Tribal Protocol Manual or on the proposed tribal consultation policy statement by April 1, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publicly available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0235. You may submit comments by any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0235. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: Carol.Gallagher@nrc.gov.

- **NRC Home Page:** A graphic displaying the Tribal Protocol Manual will be prominently displayed on the NRC home page (<http://www.nrc.gov>) for a period of time, after which it will be moved to the "Spotlight" Section.

- **Mail comments to:** Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- **Fax comments to:** RADB at 301-492-3446.

FOR FURTHER INFORMATION CONTACT:

Cardelia H. Maupin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2312; email: Cardelia.Maupin@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2012-0235 when contacting the NRC about the availability of information regarding this draft Tribal Protocol Manual or the proposed tribal consultation policy statement. You may access information related to these documents, which the NRC possesses and is publicly available, by any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0235.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "**ADAMS Public Documents**" and then select "**Begin Web-based ADAMS Search**." For problems with ADAMS, please contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft "Tribal Protocol Manual" dated September 2012, is available electronically under ADAMS Accession Number: ML12261A423.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2012-0235 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

In January 2009, the Commission directed the staff to develop an internal protocol for interactions with Native American tribal governments¹ that allows for custom tailored approaches to address the interests of both the NRC and the tribal governments on a case-by-case basis.² On November 5, 2009, President Obama issued a Presidential Memorandum that reaffirmed Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," and emphasized the importance of strengthening government-to-government relationships with Native American tribes. In SECY-09-0180, "U.S. Nuclear Regulatory Commission Interaction with Native American Tribes," (ADAMS Accession No. ML092800263), dated

¹ For the purposes of this notice, the terms "Native American tribal governments" and "Native American tribes" are used interchangeably. In addition, these terms also include the term "Native Hawaiian organization," as that term is defined in 36 CFR 800.16(s)(1).

² Staff Requirements Memorandum, "Briefing on Uranium Recovery," M081211 (ML090080206) January 8, 2009.