

meals are the responsibility of the participating public.

Dated: October 4, 2011.

**Shelley J. Smith,**

*Acting State Director.*

[FR Doc. 2011-26278 Filed 10-11-11; 8:45 am]

**BILLING CODE 4310-DQ-P**

## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice of no action.

**SUMMARY:** On November 18, 2010, the National Indian Gaming Commission (NIGC) issued a Notice of Inquiry and Notice of Consultation advising the public that the NIGC was conducting a comprehensive review of its regulations and requesting public comment on the process for conducting the regulatory review. On April 4, 2011, after holding eight consultations and reviewing all comments, NIGC published a Notice of Regulatory Review Schedule setting out a consultation schedule and process for review. Based on the above review, the Commission notifies the public that it does not intend to take action at this time on certain other regulations identified in the Notice of Regulatory Review Schedule.

**FOR FURTHER INFORMATION CONTACT:**

National Indian Gaming Commission, 1441 L Street NW., Suite 9100 Washington, DC 20005. *Telephone:* 202-632-7009; *e-mail:* [reg.review@nigc.gov](mailto:reg.review@nigc.gov).

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, authorizes the NIGC to promulgate such regulations and guidelines as it deems appropriate to implement certain provisions of the Act. 25 U.S.C. 2706(b)(10). On November 12, 2010, the Commission issued a Notice of Inquiry (NOI) requesting comment on which of its regulations were most in need of revision, in what order the Commission should review its regulations, and the process NIGC should utilize to make revisions. The NOI was published in the Federal Register on November 18, 2010. 75 FR 70680. The Commission's regulatory review process established a tribal consultation schedule of 33 meetings over 11 months with a description of the regulation groups to be covered at each consultation.

### I. Management Contracts—Collateral Agreements

The NOI asked whether the Commission should consider promulgating a regulation requiring the review and approval of collateral agreements to a management contract. A majority of the comments submitted in response to the NOI stated that IGRA already allows for the review of collateral agreements to a management contract. After reviewing the comments received in response to the NOI, the Commission announced its intent to narrow its inquiry and only review the issue of approval of collateral agreements to a management contract.

Public comments received during both the NOI and NIRA consultation and comment period have varied widely. Those comments supporting both the NIGC's review and approval of collateral agreements stated that the review and approval of collateral agreements would greatly reduce the risks to both Tribes and would-be management contractors, thus reducing overreaching by third parties; and that it is the NIGC's trust responsibility to the review and approval of collateral agreements in order to ensure that collateral agreements do not violate the sole proprietary interest provisions of IGRA.

Public comments opposed to the required approval of collateral agreements state that collateral agreements are outside the scope of NIGC authority and requiring their submission and approval would allow the NIGC to second-guess tribal business decisions. Similar comments opposed NIGC review of non-management business relationships of the Tribe; and that requiring the submission and approval of collateral agreements would expand NIGC authority beyond what is authorized by the IGRA. Public commentators also stated that requiring the approval of collateral agreements could affect the development of business relationships and discourage private investment in Indian country. These commentators recommended the NIGC only review and approve those collateral agreements that contain management provisions separate from those in the related management contract. Public commentators also expressed their concern over the length of time it currently takes for the NIGC to review and approve a management contract and that the required approval of collateral agreements would further increase that time. Finally, one commenter noted the sensitive, proprietary information contained in collateral agreements and suggested the

NIGC review collateral agreements only at the gaming facility.

The Commission reviewed the comments received and has decided to not promulgate a regulation requiring NIGC approval of collateral agreements to management contracts at this time. IGRA provides for approval of management agreements. 25 U.S.C. 2705(a)(4). IGRA does not require approval of agreements collateral to management contracts unless those agreements also provide for management. The Commission's decision today does not prevent tribes from submitting any agreement, collateral or not, for NIGC review to determine whether the agreement provides for management. As a matter of practice, the NIGC regularly reviews a variety of agreements to determine if the agreements in fact provide for management. To be clear, the Commission's decision today does not alter in any way, the NIGC's continued practice of reviewing agreements for management. The Commission notes that any contract that provides for management that has not been approved by the Chairwoman is void. 25 CFR 533.7. Further, managing without an approved contract is a substantial violation of IGRA that can result in an enforcement action and closure order. 25 CFR 573.6(a)(7).

### II. Definitions—Net Revenues—management fee

The NOI asked whether the Commission should consider whether the definition of net revenues for the purposes of calculating the management fees should be defined to be consistent with the General Accepted Accounting Principles (GAAP). Many comments stated that if this definition was amended, it would still need to remain consistent with the statutory definition of net revenues contained in IGRA, 25 U.S.C. 2703(9). Other comments stated that it should be defined consistent with industry standards such as GAAP. One comment noted that a clearer definition would have resolved a dispute with their state over the definition of net win and net revenue. Another comment stated that the 2008 regulatory change to the definition of net revenue does not comply with IGRA and needs to be revised to ensure it is consistent with the statutory definition.

The Commission has reviewed the comments received during both the NOI and NIRA comment and consultation periods and has decided not to issue a rule at this time amending the definition of net revenues set forth at 25 CFR 502.16. The Commission agrees that changing the definition to be consistent

with GAAP could result in a definition that is inconsistent with the statutory definition contained in 25 U.S.C. 2703(9).

Dated: October 3, 2011, Washington, DC.

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

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

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

[FR Doc. 2011-25932 Filed 10-11-11; 8:45 am]

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**INTERNATIONAL TRADE COMMISSION**

[USITC SE-11-028]

**Government In the Sunshine Act Meeting Notice**

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** October 19, 2011 at 10 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, *Telephone:* (202) 205-2000.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731-TA-696

(Third Review)(Pure Magnesium from China). The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before October 31, 2011.

5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: October 7, 2011.

**William R. Bishop,**  
*Hearings and Meetings Coordinator.*

[FR Doc. 2011-26507 Filed 10-7-11; 4:15 pm]

**BILLING CODE 7020-02-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America v. Brent Nicholson and Mary K. Nicholson*, Case No. C01-809RBL, was lodged with the United States District Court for the Western District of Washington on September 28, 2011.

This proposed Consent Decree concerns a complaint filed by the United States against Brent Nicholson and Mary K. Nicholson, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. 1319, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to pay a civil penalty and perform mitigation. The Consent Decree also provides for a shore defense structure to remain in place under certain conditions, including that the Defendants enter into a separate agreement with the Lummi Nation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Brian C. Kipnis, Assistant United States Attorney, 5200 United States Courthouse, 700 Stewart Street, Seattle, Washington, 98101-1271, and refer to *United States of America v. Brent Nicholson and Mary K. Nicholson*, Case No. C01-809RBL.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Western District of Washington, 5200 United States Courthouse, 700 Stewart Street, Seattle, Washington, 98101-1271. In addition, the proposed Consent Decree may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Cherie L. Rogers,**  
*Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.*

[FR Doc. 2011-26313 Filed 10-11-11; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 24, 2011.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 24, 2011.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 29th day of September 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

**APPENDIX**

[15 TAA petitions instituted between 9/19/11 and 9/23/11]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
80445	Masco Builder Cabinet Group ( )	Waverly, OH	09/19/11	09/13/11
80446	Gildan (Workers)	Conover, NC	09/19/11	09/19/11
80447	Dell Computer Corporation (State/One-Stop)	Round Rock, TX	09/20/11	09/20/11