

December 11, 2009, NRC staff reviewed its various interactions with Native American tribes, and noted that these interactions were limited to a small number of activities under the NRC regulatory authority. At that time, staff concluded that a “case-by-case” approach had proven effective in interactions with Native American tribes by allowing for custom-tailored approaches that met Commission and tribal needs, and that no formal policy was needed. The NRC staff also noted that the internal guidance on tribal protocol would further enhance staff’s engagement with Native American tribes. The internal NRC guidance, “Tribal Protocol Manual: Guidance for NRC Employees” was developed and issued in March 2010.

As described in enclosure 1 to SECY-09-0180, the NRC has consulted with several tribes, including some instances of government-to-government meetings, regarding various NRC regulatory and licensing activities. The subjects of these actions have included reactor inspections of the Prairie Island Nuclear Generating Plant (PINGP) in Welsh, Minnesota, the renewal of PINGP’s operating license, the proposed Yucca Mountain high-level waste repository in Nevada, uranium milling operations in New Mexico and Arizona, the potential placement of a power reactor in Galena, Alaska, and the reclamation of the Sequoyah Fuels Corporation site in Gore, Oklahoma. Recently, a heightened interest in uranium recovery development and new nuclear reactor construction has resulted in a significant increase in the number and complexity of consultations between the NRC and Native American tribes in order to address the obligations and requirements of Section 106 of the National Historic Preservation Act (NHPA).

The NHPA was enacted in 1966 to coordinate and support public and private efforts to identify, evaluate, and protect historic properties. Section 106 of the NHPA directs Federal agencies to consider the effects of their proposed actions on historic properties as a part of their decisionmaking process. Specifically, the regulations of the Advisory Council on Historic Preservation, which implement Section 106, set forth requirements for a Federal agency’s consultation with Native American tribes.<sup>3</sup>

In light of these increased interactions with Native American tribes and to improve communication with tribal governments, the Commission, by Staff Requirements Memorandum

(COMWDM-12-0001), “Tribal Consultation Policy Statement and Protocol,” (ADAMS Accession No. ML121430233), dated May 22, 2012, directed the NRC staff to develop a proposed policy statement and protocol on consultation with Native American tribal governments. As a part of these efforts, the NRC staff identified minor revisions to the March 2010 “Tribal Protocol Manual: Guidance for NRC Employees,” and produced the draft Tribal Protocol Manual, dated September 2012. The NRC staff recognizes that additional changes to improve the draft Tribal Protocol Manual may be needed and is thus seeking public comment on the document in order to consider a broad range of experiences and perspectives on tribal interactions, including consultation and government-to-government meetings. Therefore, the NRC is requesting comments on the draft Tribal Protocol Manual and the development of a proposed tribal consultation policy statement from tribal governments and organizations, the public, and other interested parties. The questions in section III are intended to assist the NRC in developing an effective tribal consultation policy statement.

### III. Questions on the proposed policy statement

Tribal governments and organizations, the public, and other interested parties submitting comments are not limited to responding to the questions set forth below and are encouraged to submit any comments or other feedback they think would benefit the NRC in developing a tribal consultation policy statement.

- How can the NRC strengthen government-to-government relationships with Native American tribes?
- What practices have the NRC or other Federal agencies employed that have been effective in identifying tribal interests and resolving tribal concerns about proposed agency actions?
- Are there specific Tribal Policy Statements in other Federal agencies that could serve as
- A starting point for the NRC efforts?
- What unique tribal issues should the NRC be aware of as a non-landholding,<sup>4</sup> regulatory agency that issues licenses under the Atomic Energy Act?

For the Nuclear Regulatory Commission.

<sup>4</sup> A landholding agency, such as the Bureau of Land Management, holds or controls land as part of carrying out its agency mission.

Dated at Rockville, Maryland, this 4th day of October 2012.

**Larry W. Camper,**

*Acting Director, Office of Federal and State Materials and Environmental Management Programs.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2012-0237]

### Proposed Revision Treatment of Non-Safety Systems for Passive Advanced Light Water Reactors

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan-draft section revision; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is soliciting public comment on NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” on a proposed new section to its Standard Review Plan (SRP), Section 19.3, “Regulatory Treatment of Non-Safety Systems (RTNSS) for Passive Advanced Light Water Reactors.” The current SRP does not contain guidance on the proposed RTNSS for Passive Advance Light Water Reactors.

**DATES:** Submit comments by November 13, 2012. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure 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-2012-0237. 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-2012-0237. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *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 additional direction on accessing information and submitting comments, see “Accessing Information and

<sup>3</sup> 36 CFR 800.2(c)(2).

Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy E. Cabbage, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone at 301-415-2875 or email at [Amy.Cabbage@nrc.gov](mailto:Amy.Cabbage@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Accessing Information and Submitting Comments**

#### *A. Accessing Information*

Please refer to Docket ID NRC-2012-0237 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0237.

- *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's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The SRP, Section 19.3 is under ADAMS Accession ML12128A405.

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

#### *B. Submitting Comments*

Please include Docket ID NRC-2012-0237 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 will NRC posts all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. 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. Further Information**

The NRC seeks public comment on a proposed new section of SRP Section 19.3, “Regulatory Treatment of Non-Safety Systems (RTNSS) for Passive Advanced Light Water Reactors.” This section has been developed to assist NRC staff with the review of applications for certain construction permits, early site permits, licenses, license amendments, and combined licenses and to inform new reactor applicants and other affected entities of proposed SRP guidance regarding an acceptable method by which to evaluate guidance on application review on the subject of loss of large areas of the plant due to explosions and fires. Following NRC staff evaluation of public comments, the NRC intends to incorporate the final approved guidance into the next revision of NUREG-0800.

Dated at Rockville, Maryland, this 4th day of October 2012.

For the Nuclear Regulatory Commission.

**Amy E. Cabbage,**

*Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.*

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### **SECURITIES AND EXCHANGE COMMISSION**

#### **Submission for OMB Review; Comment Request**

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

#### *Extension:*

Rule 30e-1; SEC File No. 270-21, OMB Control No. 3235-0025.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“Paperwork Reduction Act”), the Securities and

Exchange Commission (the “Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below.

Rule 30e-1 (17 CFR 270.30e-1) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (“Investment Company Act”) generally requires a registered investment company (“fund”) to transmit to its shareholders, at least semi-annually, reports containing the information that is required to be included in such reports by the fund's registration statement form under the Investment Company Act. The purpose of the collection of information required by rule 30e-1 is to provide fund shareholders with current information about the operation of their funds in accordance with Section 30 of the Investment Company Act.

Approximately 2,490 funds, with a total of approximately 10,750 portfolios, respond to rule 30e-1 annually. Based on conversations with fund representatives, we estimate that it takes approximately 84 hours to comply with the collection of information associated with rule 30e-1 per portfolio. This time is spent, for example, preparing, reviewing, and certifying the reports. Accordingly, we calculate the total estimated annual internal burden of responding to rule 30e-1 to be approximately 903,000 hours (84 hours × 10,750 portfolios). In addition to the burden hours, based on conversations with fund representatives, we estimate that the total cost burden of compliance with the information collection requirements of rule 30e-1 is approximately \$31,061 per portfolio. This includes, for example, the costs for funds to prepare, print, and mail the reports. Accordingly, we calculate the total external cost burden associated with rule 30e-1 to be approximately \$333,905,750.

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 30e-1 is mandatory. The information provided under rule 30e-1 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the