



Federal Register

**Monday,
October 31, 2005**

Part LVIII

National Indian Gaming Commission

Semiannual Regulatory Agenda

NATIONAL INDIAN GAMING COMMISSION (NIGC)

NATIONAL INDIAN GAMING COMMISSION

25 CFR Ch. III

Semiannual Regulatory Agenda

AGENCY: National Indian Gaming Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The National Indian Gaming Commission (NIGC) today is publishing an agenda of its open and anticipated rulemaking actions. The agenda is a general announcement to the public intended to provide notice of rulemaking actions in which the public may wish to participate. In the future, the Commission intends to issue notices of proposed rulemaking or advance notices of proposed rulemaking, or final rules for the following: rules establishing technical standards for game classifications; rules establishing technical standards for gaming machines and associated equipment; rules revising Freedom of Information Act Procedures; rules revising Privacy Act procedures; rules establishing a process for the assessment, notification, and collection of debts owed the NIGC; rules revising tribal background investigation submission requirements and timing; rules concerning hearings and appeals procedures; rules concerning enforcement; rules revising the scope and review of management contracts; rules concerning net gaming

revenue; rules concerning gaming facility licensing standards; rules concerning administrative fees; rules revising and updating the civil fines provisions; rules defining the statutory term “sole proprietary ownership,” and rules concerning technical amendments to the Minimum Internal Control Standards. The Commission invites questions and public comment on individual agenda items.

FOR FURTHER INFORMATION CONTACT: Jeffrey Nelson, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005, (202) 632-7003 (not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12866 “Regulatory Planning and Review” and the Regulatory Flexibility Act, 5 U.S.C. 605, executive agencies are required to publish semiannual regulatory agendas in the **Federal Register** each year.

The regulations being considered by the Commission are not “significant” rules within the meaning of E.O. 12866, and no Regulatory Impact Analysis is required. The Commission also has determined, under the Regulatory Flexibility Act, that most of the regulations under consideration will not have a significant economic impact on a substantial number of small entities. For these regulations, no Regulatory Flexibility Analysis is required. The Commission has not yet determined whether the rules implementing the National Environmental Policy Act, the

Privacy Act, or gaming facility licensing require a Regulatory Flexibility Analysis. The proposed rules are not covered under section 202 of the Unfunded Mandates Reform Act (Pub. L. 104-4), as they are not Federal mandates that may result in an expenditure of \$100 million or more in any one year by State, local, or tribal governments, in the aggregate, or the private sector. Further, these proposed rules are not considered major under 5 U.S.C. 801 enacted by Public Law 104-121, and, therefore, are not subject to section 801’s 60-day deferral requirement. The Commission has not yet determined whether the technical amendments to the Minimum Internal Control Standards, technical standards for game classifications, technical standards for gaming machines and associated gaming equipment, or the Privacy Act procedures are a major rule.

For this edition of the National Indian Gaming Commission’s regulatory agenda, the most significant regulatory actions are included in The Regulatory Plan, which appears in part II of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Philip N. Hogen,
Chairman, National Indian Gaming Commission.

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4095	Freedom of Information Act Procedures (Amendments)	3141-AA21
4096	Technical Amendments to the Minimum Internal Control Standards (Reg Plan Seq No. 161)	3141-AA27
4097	Privacy Act Procedures (Amendments)	3141-AA28
4098	Technical Standards for Gaming Machines and Gaming Systems (Reg Plan Seq No. 162)	3141-AA29
4099	Game Classification Standards (Reg Plan Seq No. 163)	3141-AA31

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4100	Hearings and Appeals Procedure	3141-AA08
4101	Enforcement	3141-AA09
4102	Management Contracts	3141-AA13
4103	Net Gaming Revenue	3141-AA14
4104	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
4105	Administrative Fees	3141-AA16

NIGC

National Indian Gaming Commission—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4106	Gaming Facility Licensing Standards	3141-AA23
4107	Debt Collection	3141-AA25
4108	Civil Fines Revision and Update	3141-AA30
4109	Definition of Sole Proprietary Interest	3141-AA32

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

4095. FREEDOM OF INFORMATION ACT PROCEDURES (AMENDMENTS)**Priority:** Other Significant**Legal Authority:** 5 USC 552**CFR Citation:** 25 CFR 517.3; 25 CFR 517.6; 25 CFR 517.8**Legal Deadline:** None**Abstract:** These rules will revise the current regulations to make them consistent with the amended Freedom of Information Act (FOIA). The rules will also update information such as addresses and copying fees.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Jeanie McCoy, FOIA/PA Officer, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
Phone: 202 632-7003
Fax: 202 632-7066**RIN:** 3141-AA21**4096. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS****Regulatory Plan:** This entry is Seq. No. 161 in part II of this issue of the **Federal Register**.**RIN:** 3141-AA27**4097. PRIVACY ACT PROCEDURES (AMENDMENTS)****Priority:** Other Significant**Legal Authority:** 5 USC 552a**CFR Citation:** 25 CFR 515**Legal Deadline:** None**Abstract:** These rules will revise current regulations to update addresses and list systems of records.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Tribal**Agency Contact:** John R. Hay, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Washington, DC 20005
Phone: 202 632-7003
Fax: 202 632-7066**RIN:** 3141-AA28**4098. TECHNICAL STANDARDS FOR GAMING MACHINES AND GAMING SYSTEMS****Regulatory Plan:** This entry is Seq. No. 162 in part II of this issue of the **Federal Register**.**RIN:** 3141-AA29**4099. GAME CLASSIFICATION STANDARDS****Regulatory Plan:** This entry is Seq. No. 163 in part II of this issue of the **Federal Register**.**RIN:** 3141-AA31

National Indian Gaming Commission (NIGC)

Long-Term Actions

4100. HEARINGS AND APPEALS PROCEDURE**Priority:** Other Significant**CFR Citation:** 25 CFR 522 to 524; 25 CFR 533; 25 CFR 535; 25 CFR 539; 25 CFR 573; 25 CFR 575; 25 CFR 577**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Tribal**Agency Contact:** Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066**RIN:** 3141-AA08**4101. ENFORCEMENT****Priority:** Other Significant**CFR Citation:** 25 CFR 573**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Tribal**Agency Contact:** Penny J. Coleman

NIGC

Long-Term Actions

Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA09

4102. MANAGEMENT CONTRACTS

Priority: Other Significant

CFR Citation: 25 CFR 531; 25 CFR 533; 25 CFR 536

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA13

4103. NET GAMING REVENUE

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 571; 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA14

4104. TRIBAL BACKGROUND INVESTIGATION SUBMISSION REQUIREMENTS AND TIMING

Priority: Other Significant

CFR Citation: 25 CFR 556; 25 CFR 558

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA15

4105. ADMINISTRATIVE FEES

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 514

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA16

4106. GAMING FACILITY LICENSING STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 522.4(b)(6); 25 CFR 522.6(b)

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA23

4107. DEBT COLLECTION

Priority: Other Significant

CFR Citation: 25 CFR 580

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/20/01	66 FR 58056
Interim Final Rule Comment Period End	01/04/02	
Interim Final Rule Comment Period Reopened	01/09/02	67 FR 1273
Interim Final Rule Comment Period Reopened End	01/14/02	
Second Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA25

4108. CIVIL FINES REVISION AND UPDATE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA30

4109. • DEFINITION OF SOLE PROPRIETARY INTEREST

Priority: Other Significant

Legal Authority: 25 USC 2706(b)(10)

CFR Citation: 25 CFR 502

Legal Deadline: None

Abstract: The National Indian Gaming Commission (NIGC) is considering a rulemaking to define "sole proprietary interest" as that term is used in the Indian Gaming Regulatory Act (IGRA). IGRA requires, with one limited exception, Indian tribes to have the sole proprietary interest and responsibility for the conduct of any gaming activity on the tribes' Indian lands. Neither IGRA nor the NIGC's current regulations define "sole proprietary interest."

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman, Acting General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA32

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