



Federal Register

**Monday,
May 16, 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 gaming machines and gaming systems; game classification standards; 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 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 practice before the Commission; 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: Andrea Lord, 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 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.

Philip N. Hogen,
Chairman.

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3955	Freedom of Information Act Procedures (Amendments)	3141-AA21
3956	Privacy Act Procedures (Amendments)	3141-AA28
3957	Technical Standards for Gaming Machines and Gaming Systems	3141-AA29
3958	Game Classification Standards	3141-AA31

National Indian Gaming Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3959	Technical Amendments to the Minimum Internal Control Standards	3141-AA27

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3960	Hearings and Appeals Procedure	3141-AA08
3961	Enforcement	3141-AA09
3962	Management Contracts	3141-AA13
3963	Net Gaming Revenue	3141-AA14
3964	Tribal Background Investigation Submission Requirements and Timing	3141-AA15

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

Sequence Number	Title	Regulation Identifier Number
3965	Administrative Fees	3141-AA16
3966	Gaming Facility Licensing Standards	3141-AA23
3967	Debt Collection	3141-AA25
3968	Civil Fines Revision and Update	3141-AA30

National Indian Gaming Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3969	National Environmental Policy Act (NEPA) Implementing Regulations	3141-AA26

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

3955. 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

3956. 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	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Tribal

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

RIN: 3141-AA28

3957. TECHNICAL STANDARDS FOR GAMING MACHINES AND GAMING SYSTEMS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 25 USC 2706

CFR Citation: 25 CFR 501

Legal Deadline: None

Abstract: It is necessary for the National Indian Gaming Commission (NIGC) to promulgate regulations establishing technical standards in order to assure the integrity of electronic equipment in class II games.

Technical standards will address actual operation of gaming machines and systems and the equipment related to their operation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Federalism: Undetermined

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

RIN: 3141-AA29

3958. • GAME CLASSIFICATION STANDARDS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 25 USC 2706

CFR Citation: 25 CFR 501

Legal Deadline: None

Abstract: It is necessary for the National Indian Gaming Commission (NIGC) to promulgate regulations

NIGC

Proposed Rule Stage

establishing game classification standards because of the distinction between class II and class III gaming set forth in the Indian Gaming Regulatory Act (IGRA). Technical changes make it difficult for regulators to keep up with the gaming industry. By establishing classification standards, tribal gaming commissions, the primary regulators of tribal gaming, will more

easily be able to distinguish between class II and class III machines.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Federalism: Undetermined

Agency Contact: Michael Gross, Staff Attorney, National Indian Gaming Commission, 1441 L St NW, Suite 9100, Washington, DC 20005
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RIN: 3141-AA31

National Indian Gaming Commission (NIGC)

Final Rule Stage

3959. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 25 USC 2702; 25 USC 2706(b)(10)

CFR Citation: 25 CFR 542

Legal Deadline: None

Abstract: The National Indian Gaming Commission anticipates that there will be a need to make technical changes to the minimum internal control standards (MICS) in response to changes in technology and the gaming

industry. The Commission foresees routinely revising the MICS in response to these changes.

Timetable:

Action	Date	FR Cite
NPRM	12/01/04	69 FR 69847
NPRM Comment Period End	01/18/05	
NPRM Comment Period Extended	02/18/05	
Second NPRM	03/10/05	70 FR 11893
Second NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, Suite 9100, 1441 L Street NW., Washington, DC 20005
Phone: 202 632-7003
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RIN: 3141-AA27

National Indian Gaming Commission (NIGC)

Long-Term Actions

3960. 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
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RIN: 3141-AA08

3961. 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
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA09

3962. 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

3963. 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

NIGC

Long-Term Actions

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
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RIN: 3141-AA14

3964. 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

3965. 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

3966. 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

3967. 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

Action	Date	FR Cite
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

3968. 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
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RIN: 3141-AA30

National Indian Gaming Commission (NIGC)

Completed Actions

3969. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IMPLEMENTING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4332

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation will establish rules for compliance with the National Environmental Policy Act (NEPA).

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Tribal

Agency Contact: Christine Nagle,
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RIN: 3141-AA26

[FR Doc. 05-6016 Filed 05-13-05; 8:45 am]

BILLING CODE 7565-01-S