



Federal Register

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Part LVII

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 NIGC intends to issue notices of proposed rulemaking, advance notices of proposed rulemaking, or final rules for the following: rules establishing classification standards for gaming machines; rules establishing technical standards for gaming machines and associated equipment; rules revising the audit standards that apply to Indian gaming facilities; 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 revising the scope and review of management

contracts; rules concerning the definitions of “electronic or electromechanical facsimile,” “net gaming revenue,” “sole proprietary interest,” and “key employee”; rules concerning gaming facility licensing standards; rules concerning administrative fees; rules revising and updating the civil fines provisions; rules concerning technical amendments to the NIGC’s Minimum Internal Control Standards (MICS); and rules concerning background investigations and licenses for key employees and primary management officials. The NIGC invites questions and public comment on individual agenda items.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, 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 NIGC are not “significant” rules within the meaning of E.O. 12866, and no Regulatory Impact Analysis is required. The NIGC also has determined, under the Regulatory

Flexibility Act, that except as stated below, 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 NIGC has not yet determined whether the rules implementing the Privacy Act, the rules concerning gaming facility licenses, or the rules regarding gaming machine classifications require a Regulatory Flexibility Analysis. Most of 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. The NIGC has not yet determined whether the proposed rules for gaming machine classification standards may result in an expenditure of \$100 million or more in any one year by State, local, or tribal governments. The 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.

Dated: February 27, 2007.

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

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3670	Management Contracts	3141-AA13
3671	Net Gaming Revenue	3141-AA14
3672	Administrative Fees	3141-AA16
3673	Gaming Facility and Site Licensing Standards	3141-AA23
3674	Debt Collection	3141-AA25
3675	Privacy Act Procedures (Amendments)	3141-AA28
3676	Technical Standards for Gaming Machines and Gaming Systems	3141-AA29
3677	Game Classification Standards	3141-AA31
3678	Definition of Key Employee	3141-AA33
3679	Audit Standards	3141-AA34
3680	Background Investigations and Gaming Licenses for Primary Management Officials and Key Employees	3141-AA35

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3681	Hearings and Appeals Procedure	3141-AA08
3682	Tribal Background Investigation Submission Requirements and Timing	3141-AA15

NIGC

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

Sequence Number	Title	Regulation Identifier Number
3683	Technical Amendments to the Minimum Internal Control Standards	3141-AA27
3684	Civil Fines Revision and Update	3141-AA30
3685	Definition of Sole Proprietary Interest	3141-AA32

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

3670. MANAGEMENT CONTRACTS**Priority:** Other Significant**Legal Authority:** 25 USC 2711(b)**CFR Citation:** 25 CFR 531; 25 CFR 533; 25 CFR 536**Legal Deadline:** None**Abstract:** This rule would amend the current regulations regarding NIGC approval of management contracts.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

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RIN: 3141-AA13**3671. NET GAMING REVENUE****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2710(b)(2)(B); 25 USC 2706(b)**CFR Citation:** 25 CFR 571; 25 CFR 573**Legal Deadline:** None**Abstract:** This rule establishes processes for assuring that net gaming revenue is used according to the Indian Gaming Regulatory Act requirements and establishes reporting procedures for such compliance.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

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RIN: 3141-AA14**3672. ADMINISTRATIVE FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2706(b)(10)**CFR Citation:** 25 CFR 514**Legal Deadline:** None**Abstract:** This rule establishes processes for the imposition of fees for services provided by the National Indian Gaming Commission.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

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RIN: 3141-AA16**3673. GAMING FACILITY AND SITE LICENSING STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2706(b)(10); 25 USC 2710(b); 25 USC 2710(d)**CFR Citation:** 25 CFR 522.4(b)(6); 25 CFR 522.6(b)**Legal Deadline:** None**Abstract:** This rule will establish minimum standards that a tribe must adopt when it licenses gaming facilities within its jurisdiction pursuant to 25 U.S.C. 2710(b) and its tribal gaming ordinance. The new regulations are likely to require the tribe to demonstrate that the gaming facility is located on "Indian lands," as well as identify and apply sufficient environment, public health, and safety (EPHS) standards to the gaming facility.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**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

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RIN: 3141-AA23**3674. DEBT COLLECTION****Priority:** Other Significant**Legal Authority:** 31 USC 3716; 25 USC 2713(a)(1)**CFR Citation:** 25 CFR 580**Legal Deadline:** None**Abstract:** This regulation will establish a process for the assessment, notification and collection of debts owed the National Indian Gaming Commission.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/20/01	66 FR 58056
NPRM	04/00/07	

NIGC

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal

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 Phone: 202 632-7003
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RIN: 3141-AA25**3675. 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	06/00/07	

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
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RIN: 3141-AA28**3676. 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 547**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 used with the play of 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	08/11/06	71 FR 46336
NPRM Withdrawn	02/09/07	72 FR 7360
NPRM	05/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Federalism:** Undetermined

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RIN: 3141-AA29**3677. 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 546**Legal Deadline:** None

Abstract: It is necessary for the National Indian Gaming Commission (NIGC) to promulgate regulations 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 (definition for electronic or electromechanical facsimile)	05/25/06	71 FR 30232
NPRM (main)	05/25/06	71 FR 30238
NPRM Withdrawn	02/09/07	72 FR 7359
NPRM	05/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Federalism:** Undetermined

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RIN: 3141-AA31

3678. DEFINITION OF KEY EMPLOYEE**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 25 USC 2706(b)(10)**CFR Citation:** 25 CFR 502.14**Legal Deadline:** None

Abstract: This rule will revise the regulatory definition of "key employee" at 25 CFR 502.14.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal

Agency Contact: Andrea Lord, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
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RIN: 3141-AA33**3679. AUDIT STANDARDS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 25 USC 2706(b)(10)**CFR Citation:** 25 CFR 571.12; 25 CFR 571.13; 25 CFR 571.14**Legal Deadline:** None

Abstract: These regulations will revise the audit standards that apply to Indian gaming facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined

NIGC

Proposed Rule Stage

Federalism: Undetermined**Agency Contact:** Penny J. Coleman, Acting General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005

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RIN: 3141-AA34**3680. • BACKGROUND INVESTIGATIONS AND GAMING LICENSES FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2706(b)(10)**CFR Citation:** 25 CFR 556; 25 CFR 558**Legal Deadline:** None**Abstract:** The National Indian Gaming Commission will amend 25 CFR 556, Background Investigations for Primary Management Officials and Key Employees, and 25 CFR 558, Gaming Licenses for Key Employees and Primary Management Officials, to clarify that the regulations concern licensing, not employment.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

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RIN: 3141-AA35

National Indian Gaming Commission (NIGC)

Long-Term Actions

3681. 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**3682. 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

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RIN: 3141-AA15**3683. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 25 CFR 542**Timetable:**

Action	Date	FR Cite
First NPRM	12/01/04	69 FR 69847
Second NPRM	03/10/05	70 FR 11893
Final Action on First Rule	05/04/05	70 FR 23011
Final Action on Second Rule	08/12/05	70 FR 47097
Third NPRM	11/15/05	70 FR 69293
Final Action on Third Rule (1)	05/11/06	71 FR 27385
Final Action on Third Rule (Surveillance)	To Be	Determined
Fourth NPRM	To Be	Determined

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

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RIN: 3141-AA27**3684. 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

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RIN: 3141-AA30**3685. DEFINITION OF SOLE PROPRIETARY INTEREST****Priority:** Other Significant**CFR Citation:** 25 CFR 502**Timetable:**

Action	Date	FR Cite
NPRM	10/00/08	

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

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NIGC

Long-Term Actions

Fax: 202 632-7066

RIN: 3141-AA32

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