



Federal Register

**Monday,
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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 revising Civil Fines procedures; rules implementing the National Environmental Policy Act (NEPA); 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 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.

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

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4179	Freedom of Information Act Procedures (Amendments)	3141-AA21
4180	Technical Amendments to the Minimum Internal Control Standards	3141-AA27
4181	Privacy Act Procedures (Amendments)	3141-AA28
4182	Technical Standards for Game Classifications, Gaming Machines, and Gaming Systems	3141-AA29

National Indian Gaming Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4183	Debt Collection	3141-AA25

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4184	Hearings and Appeals Procedure	3141-AA08
4185	Enforcement	3141-AA09
4186	Management Contracts	3141-AA13

NIGC

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

Sequence Number	Title	Regulation Identifier Number
4187	Net Gaming Revenue	3141-AA14
4188	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
4189	Administrative Fees	3141-AA16
4190	Gaming Facility Licensing Standards	3141-AA23
4191	National Environmental Policy Act (NEPA) Implementing Regulations	3141-AA26
4192	Civil Fines Revision and Update	3141-AA30

National Indian Gaming Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4193	Practice Before the Commission	3141-AA07

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

4179. 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	07/00/04	

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
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RIN: 3141-AA21

4180. 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	10/00/04	

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

4181. 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	07/00/04	

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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RIN: 3141-AA28

4182. TECHNICAL STANDARDS FOR GAME CLASSIFICATIONS, GAMING MACHINES, AND GAMING SYSTEMS

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

Unfunded Mandates: Undetermined

NIGC

Proposed Rule Stage

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 for game classifications because of the distinction between class II and class III gaming set forth in IGRA. Technical changes make it difficult for regulators to keep up with the gaming industry. By establishing technical standards,

tribal gaming commissions, the primary regulators of tribal gaming, will more easily be able to distinguish between class II and class III machines. Further, it is necessary for the Commission to establish technical standards for the actual operation of gaming machines and systems and the equipment related to their operation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Federalism: Undetermined

Agency Contact: William F. Grant, Senior Attorney, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
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RIN: 3141-AA29

National Indian Gaming Commission (NIGC)

Final Rule Stage

4183. 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
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	
Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Agency Contact: Cynthia K. Shaw, Attorney, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
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RIN: 3141-AA25

National Indian Gaming Commission (NIGC)

Long-Term Actions

4184. 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
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RIN: 3141-AA08

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

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

4187. 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

4185. ENFORCEMENT

Priority: Other Significant

CFR Citation: 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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NIGC

Long-Term Actions

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
Fax: 202 632-7066
RIN: 3141-AA14

4188. 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

4189. 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

4190. 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

4191. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IMPLEMENTING REGULATIONS

Priority: Substantive, Nonsignificant
CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Tribal

Agency Contact: Christine Nagle
Phone: 202 632-7003
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RIN: 3141-AA26

4192. • CIVIL FINES REVISION AND UPDATE

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

Legal Authority: 25 USC 2713; 25 USC 2705(a)(2); 25 USC 2706(a)(2)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Revision and update of 25 CFR part 575 relating to a revision and update of civil fines.

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, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, Suite 9100, 1441 L Street NW., Washington, DC 20005
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RIN: 3141-AA30

National Indian Gaming Commission (NIGC)

Completed Actions

4193. PRACTICE BEFORE THE COMMISSION

Priority: Substantive, Nonsignificant
Legal Authority: 25 USC 2706(b)(10)
CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule will establish guidelines and procedures for attorneys and nonattorneys who represent tribes

or private companies before the Commission.

Timetable:

Action	Date	FR Cite
Withdrawn	05/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Agency Contact: William F. Grant, Senior Attorney, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
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RIN: 3141-AA07

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