



# Federal Register

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**Monday,  
December 11, 2006**

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**Part LVII**

## **National Indian Gaming Commission**

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**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; and rules concerning technical amendments to the NIGC’s Minimum Internal Control Standards (MICS). The NIGC 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 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:** August 31, 2006.

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

**National Indian Gaming Commission—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4063	Net Gaming Revenue .....	3141-AA14
4064	Gaming Facility and Site Licensing Standards .....	3141-AA23
4065	Debt Collection .....	3141-AA25
4066	Privacy Act Procedures (Amendments) .....	3141-AA28
4067	Definition of Sole Proprietary Interest .....	3141-AA32
4068	Definition of Key Employee .....	3141-AA33
4069	Audit Standards .....	3141-AA34

**National Indian Gaming Commission—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4070	Technical Amendments to the Minimum Internal Control Standards ( <b>Reg Plan Seq No. 147</b> ) .....	3141-AA27
4071	Technical Standards for Gaming Machines and Gaming Systems ( <b>Reg Plan Seq No. 148</b> ) .....	3141-AA29
4072	Game Classification Standards ( <b>Reg Plan Seq No. 149</b> ) .....	3141-AA31

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

**NIGC**

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4073	Hearings and Appeals Procedure .....	3141-AA08
4074	Management Contracts .....	3141-AA13
4075	Tribal Background Investigation Submission Requirements and Timing .....	3141-AA15
4076	Administrative Fees .....	3141-AA16
4077	Civil Fines Revision and Update .....	3141-AA30

National Indian Gaming Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4078	Freedom of Information Act Procedures (Amendments) .....	3141-AA21

**National Indian Gaming Commission (NIGC)**

**Proposed Rule Stage**

**4063. 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	12/00/06	

**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-AA14

**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	04/00/07	

**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  
 Phone: 202 632-7003  
 Fax: 202 632-7066  
**RIN:** 3141-AA23

**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	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** 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-AA25

**4064. 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)

**4065. DEBT COLLECTION**

**Priority:** Other Significant  
**Legal Authority:** 31 USC 3716; 25 USC 2713(a)(1)  
**CFR Citation:** 25 CFR 580  
**Legal Deadline:** None

**4066. 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.

## NIGC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**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**4067. 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	04/00/07	

**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  
Phone: 202 632-7003  
Fax: 202 632-7066  
**RIN:** 3141-AA32

**4068. • 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	04/00/07	

**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  
Phone: 202 632-7003  
Fax: 202 632-7066  
Email: andrea\_lord@nigc.gov

**RIN:** 3141-AA33**4069. • 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	12/00/06	

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

**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-AA34

## National Indian Gaming Commission (NIGC)

## Final Rule Stage

**4070. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS**

**Regulatory Plan:** This entry is Seq. No. 147 in part II of this issue of the Federal Register.

**RIN:** 3141-AA27**4071. TECHNICAL STANDARDS FOR GAMING MACHINES AND GAMING SYSTEMS**

**Regulatory Plan:** This entry is Seq. No. 148 in part II of this issue of the Federal Register.

**RIN:** 3141-AA29**4072. GAME CLASSIFICATION STANDARDS**

**Regulatory Plan:** This entry is Seq. No. 149 in part II of this issue of the Federal Register.

**RIN:** 3141-AA31

## National Indian Gaming Commission (NIGC)

## Long-Term Actions

**4073. 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: 202 632-7066

Penny J. Coleman

Phone: 202 632-7003

Fax: 202 632-7066

**RIN:** 3141-AA08**4074. 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**4075. 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**4076. 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**4077. 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

## National Indian Gaming Commission (NIGC)

## Completed Actions

**4078. 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	10/18/05	70 FR 60470
Final Rule	04/19/06	71 FR 20006

**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

[FR Doc. 06-7696 Filed 12-08-06; 8:45 am]

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