



Federal Register

**Monday,
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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 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 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 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, 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 NIGC has not yet determined whether the 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
3975	Management Contracts	3141-AA13
3976	Gaming Facility and Site Licensing Standards	3141-AA23
3977	Privacy Act Procedures (Amendments)	3141-AA28
3978	Technical Standards for Gaming Machines and Gaming Systems	3141-AA29
3979	Game Classification Standards	3141-AA31

National Indian Gaming Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3980	Freedom of Information Act Procedures (Amendments)	3141-AA21
3981	Technical Amendments to the Minimum Internal Control Standards	3141-AA27

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3982	Hearings and Appeals Procedure	3141-AA08
3983	Enforcement	3141-AA09

NIGC

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

Sequence Number	Title	Regulation Identifier Number
3984	Net Gaming Revenue	3141-AA14
3985	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
3986	Administrative Fees	3141-AA16
3987	Debt Collection	3141-AA25
3988	Civil Fines Revision and Update	3141-AA30
3989	Definition of Sole Proprietary Interest	3141-AA32

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

3975. 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	08/00/06	

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-AA13**3976. 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	08/00/06	

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**3977. 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

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RIN: 3141-AA28**3978. 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	05/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Federalism:** Undetermined**Agency Contact:** Michael Gross, Senior Attorney, National Indian Gaming Commission, 1441 L St NW, Suite 9100, Washington, DC 20005
Phone: 202 632-7003

NIGC

Proposed Rule Stage

Fax: 202 632-7066

RIN: 3141-AA29

3979. 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	05/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Federalism:** Undetermined**Agency Contact:** John Hay, Staff Attorney, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005

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Email: john_hay@nigc.gov

RIN: 3141-AA31

National Indian Gaming Commission (NIGC)

Final Rule Stage

3980. 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 Action	05/00/06	

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

3981. 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 is making technical changes to the Minimum Internal Control Standards (MICS) in response to changes in technology and the gaming industry. The Commission will routinely revise the MICS in response to these changes.**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	04/00/06	
Fourth 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

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RIN: 3141-AA27

National Indian Gaming Commission (NIGC)

Long-Term Actions

3982. 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

NIGC

Long-Term Actions

3983. 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

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RIN: 3141-AA09**3984. 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

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RIN: 3141-AA14**3985. 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**3986. 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**3987. 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

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RIN: 3141-AA25**3988. 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**3989. DEFINITION OF SOLE PROPRIETARY INTEREST****Priority:** Other Significant**CFR Citation:** 25 CFR 502**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-AA32

[FR Doc. 06-2051 Filed 04-21-06; 8:45 am]

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