



Federal Register

**Monday,
December 9, 2002**

Part LX

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 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, Advance Notices of Proposed Rulemaking, or Final Rules for the following: rules revising Freedom of Information 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 administrative fees; rules concerning gaming facility licensing standards; rules concerning practice before the Commission; 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: John R. Hay, National Indian Gaming Commission, 1441 L Street NW., 9th Floor, 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 Executive Order 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. Finally, most of the Commission’s 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 or the Privacy Act procedures are a major rule.

For this edition of the National Indian Gaming Commission’s regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Teresa E. Poust,
Vice Chair, National Indian Gaming Commission.

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4223	Freedom of Information Act Procedures (Amendments) (Reg Plan Seq No. 167)	3141-AA21

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

National Indian Gaming Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4224	Debt Collection (Reg Plan Seq No. 168)	3141-AA25

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

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4225	Practice Before the Commission	3141-AA07
4226	Hearings and Appeals Procedure	3141-AA08
4227	Enforcement	3141-AA09
4228	Management Contracts	3141-AA13
4229	Net Gaming Revenue	3141-AA14
4230	Tribal Background Investigation Submission Requirements and Timing	3141-AA15

NIGC

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

Sequence Number	Title	Regulation Identification Number
4231	Administrative Fees	3141-AA16
4232	Gaming Facility Licensing Standards	3141-AA23
4233	National Environmental Policy Act (NEPA) Implementing Regulations	3141-AA26
4234	Technical Amendments to the Minimum Internal Control Standards	3141-AA27

National Indian Gaming Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4235	Definitions	3141-AA10
4236	Game Classification	3141-AA12
4237	Environment and Public Health and Safety	3141-AA17
4238	Technical Amendments to the Minimum Internal Control Standards	3141-AA24

National Indian Gaming Commission (NIGC)

Proposed Rule Stage

4223. FREEDOM OF INFORMATION ACT PROCEDURES (AMENDMENTS)

Regulatory Plan: This entry is Seq. No. 167 in part II of this issue of the Federal Register.

RIN: 3141-AA21

National Indian Gaming Commission (NIGC)

Final Rule Stage

4224. DEBT COLLECTION

Regulatory Plan: This entry is Seq. No. 168 in part II of this issue of the Federal Register.

RIN: 3141-AA25

National Indian Gaming Commission (NIGC)

Long-Term Actions

4225. PRACTICE BEFORE THE COMMISSION

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Agency Contact: William F. Grant
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA07

4226. 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

RIN: 3141-AA08

NIGC

Long-Term Actions

4227. 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**4228. 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**4229. 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

Fax: 202 632-7066

RIN: 3141-AA14**4230. 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**4231. 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**4232. 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**4233. 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:** Kathy Zebell

Phone: 202 632-7003

Fax: 202 632-7066

RIN: 3141-AA26**4234. • 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	To Be	Determined

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

Deputy 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-AA27

National Indian Gaming Commission (NIGC)

Completed Actions

4235. DEFINITIONS**Priority:** Other Significant**Legal Authority:** 25 USC 2701 et seq.**CFR Citation:** 25 CFR 502**Legal Deadline:** None

Abstract: The rule revised the definitions of "electronic, computer or other technological aid," "electronic and electromechanical facsimile," and "games similar to bingo," set forth at 25 CFR 502.7 to 502.9.

Timetable:

Action	Date	FR Cite
NPRM	06/22/01	66 FR 33494
NPRM Comment Period End	08/21/01	
Second NPRM	03/20/02	67 FR 13296
Second NPRM Comment Period End	04/22/02	
Final Action	06/17/02	67 FR 41166

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

Agency Contact: Penny J. Coleman, Deputy 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-AA10**4236. GAME CLASSIFICATION****Priority:** Other Significant**Legal Authority:** 25 USC 2702; 25 USC 2703; 25 USC 2705; 25 USC 2706; 25 USC 2710; 25 USC 2713**CFR Citation:** 25 CFR 504**Legal Deadline:** None

Abstract: This rule would establish processes for the classification, review, and approval of games and devices used in tribal gaming.

Timetable:

Action	Date	FR Cite
NPRM	11/10/99	64 FR 61234

Action	Date	FR Cite
NPRM Comment Period End	02/24/00	
Withdrawn	07/12/02	67 FR 46134

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Tribal

Agency Contact: Penny J. Coleman, Deputy 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-AA12**4237. ENVIRONMENT AND PUBLIC HEALTH AND SAFETY****Priority:** Other Significant**Legal Authority:** 25 USC 2710(b)(2)(E)**CFR Citation:** 25 CFR 573**Legal Deadline:** None

Abstract: The National Indian Gaming Commission promulgated this interpretive rule as an explanation of its oversight authority in the area of environment and public health and safety.

Timetable:

Action	Date	FR Cite
ANPRM	04/27/99	64 FR 22588
ANPRM Comment Period End	06/28/99	
NPRM	07/24/00	65 FR 45558
NPRM Comment Period End	01/19/01	
Second NPRM	10/02/01	66 FR 50127
Second NPRM Comment Period End	12/29/01	
Final Action	07/12/02	67 FR 46109

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

Agency Contact: Christine Nagle, National Indian Gaming Commission,

Suite 9100, 1441 L Street NW., Washington, DC 20005
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA17**4238. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS****Priority:** Other Significant**Legal Authority:** 25 USC 2702; 25 USC 2706(b)(10)**CFR Citation:** 25 CFR 542**Legal Deadline:** None

Abstract: The National Indian Gaming Commission determined that there was a need to make technical changes to the minimum internal control standards in response to changes in technology and the gaming industry. It was necessary to amend the standards to facilitate improved internal control standards with minimal anticipated costs.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/00	65 FR 70673
ANPRM Comment Period End	03/30/01	66 FR 12916
NPRM	12/26/01	66 FR 66500
NPRM Comment Period End	03/04/02	
Final Action	06/27/02	67 FR 43389

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

Agency Contact: Penny J. Coleman, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005
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RIN: 3141-AA24

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