



Miami Tribe of Oklahoma

P.O. Box 1326--Miami, Oklahoma 74355

Ph: 918-542-1445 Fax: 918-542-7260



Via Telecopier and U.S. Mail
Fax: (202) 632-7066

April 23, 2012

Chairwoman Traci Stevens
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

RE: Comments to NIGC Proposed Regulations 547 and 543

Dear Chairwoman Stevens,

The Miami Tribe of Oklahoma would like to extend its appreciation for working with the Tribes to create revised regulations in both Part 547 Technical Standards, and Part 543 Minimum Internal Control Standards, which work well for Indian Country. It is clear the NIGC has spent significant time reviewing the recommendations of the Tribes through the Poarch Creek submission; the work the TAC was able to complete between October 2011 and February 2012; and from the Mayetta, KS and San Diego, CA consultations.

The Miami Tribe submits this letter to support the work and recommendations of the Tribal Advisory Committee (TAC), specifically the recommendations made by the TAC in their completed review of Part 547 Technical Standards. With regard to the grandfather clause, the Tribe strongly urges the NIGC to remove the submission date required under the grandfather clause, Part 547. 5(a) in the NIGC proposed regulations, and remove the sunset clause in Part 547.5(b)(1), allowing for continued use of grandfathered systems.

The imposition of these grandfather clause requirements has created and continues to create unfair and unnecessary financial hardship on tribes concerning this legacy equipment. These grandfather clause requirements negatively and severely impacts all Class II Tribes. Specifically for the Miami Tribe, the grandfather clause negatively impacts our tribally-owned manufacturer, Rocket Gaming Systems. Rocket maintains a significant number of older Class II systems that were not submitted for testing because they were not in use at the time the grandfather clause regulation was implemented. This regulation imposes unfair and serious financial consequences on Rocket should these valid Class II systems become useless.

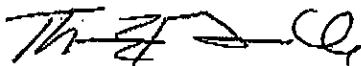
In addition to the fact that these grandfather clause requirements invalidate components previously validated by federal judicial proceedings, the NIGC, in TAC meetings and in consultation, has never been able to articulate a justification for these arbitrary dates in the grandfather clause regulations. As such, the Miami Tribe urges the NIGC to adopt the recommendations of the Tribes in the Poarch Creek submission and the TAC recommendations.

Additionally, the Miami Tribe concurs with the recommendations of the Poarch Creek and TAC changes with regard to elimination of the requirement for test labs to be Underwriter Laboratory (UL) certified; elimination of the legally irrelevant requirement of preserving the contents of entertaining displays; and elimination of restrictions on pay tables. The Tribe recognizes that the NIGC in its proposed draft of 547 eliminated the arbitrary probability standard, however, the proposed 547.16(c) requires odds notifications that are not required by other gaming industries. We strongly urge that this be deleted.

With regard to Part 543, the Miami Tribe supports the Poarch Creek submission and TAC consensus of this approach, which utilized a concept of minimum regulations with safe harbor guidance documents and checklists. The Tribe acknowledges the NIGC's work to revise and reformat the regulations using the Poarch Creek proposal for new sections and use of much of the Poarch Creek guidance document language. The Tribe feels that overall, the proposed 543 is a better document, however the Tribe urges the NIGC to review the detailed comments from the Tribal Gaming Working Group (TGWG), which will identify specifics to be reviewed for a better document.

In closing, the Miami Tribe would like to thank the NIGC again for requesting and considering comments from the Tribes in connection with these documents. Under IGRA, Tribes are the primary regulators of Class II gaming and we appreciate the NIGC acknowledging the experience and expertise of Tribes in tribal gaming.

Best regards,



Thomas E. Gamble, Chief