



# Federal Register

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**Monday,  
December 13, 2004**

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**Part LIX**

## **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 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 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.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of the **Federal Register**. The National Indian Gaming Commission’s Statement of Regulatory Priorities is included in part II.

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

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

Sequence Number	Title	Regulation Identifier Number
4115	Freedom of Information Act Procedures (Amendments) .....	3141-AA21
4116	Technical Amendments to the Minimum Internal Control Standards .....	3141-AA27
4117	Privacy Act Procedures (Amendments) .....	3141-AA28
4118	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
4119	Debt Collection .....	3141-AA25

**National Indian Gaming Commission—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
4120	Hearings and Appeals Procedure .....	3141-AA08

**NIGC**

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

Sequence Number	Title	Regulation Identifier Number
4121	Enforcement .....	3141-AA09
4122	Management Contracts .....	3141-AA13
4123	Net Gaming Revenue .....	3141-AA14
4124	Tribal Background Investigation Submission Requirements and Timing .....	3141-AA15
4125	Administrative Fees .....	3141-AA16
4126	Gaming Facility Licensing Standards .....	3141-AA23
4127	National Environmental Policy Act (NEPA) Implementing Regulations .....	3141-AA26
4128	Civil Fines Revision and Update .....	3141-AA30

**National Indian Gaming Commission (NIGC)**

**Proposed Rule Stage**

**4115. 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	03/00/05	

**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  
Email: regina\_mccoy@nigc.gov

**RIN:** 3141-AA21

**4116. 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	11/00/04	

**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  
Fax: 202 632-7066

**RIN:** 3141-AA27

**4117. 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	03/00/05	

**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

**4118. TECHNICAL STANDARDS FOR GAME CLASSIFICATIONS, 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 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.

## NIGC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	
NPRM Comment Period End	03/00/05	
Final Action	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Federalism:** Undetermined

**Agency Contact:** William F. Grant,  
Senior Attorney, National Indian  
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Fax: 202 632-7066  
**RIN:** 3141-AA29

## National Indian Gaming Commission (NIGC)

## Final Rule Stage

## 4119. 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	11/00/04	

**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  
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Email: cynthia\_shaw@nigc.doi.gov  
**RIN:** 3141-AA25

## National Indian Gaming Commission (NIGC)

## Long-Term Actions

## 4120. 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**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

## 4122. 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  
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Fax: 202 632-7066  
**RIN:** 3141-AA13

## 4123. 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

## 4124. 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

## 4121. ENFORCEMENT

**Priority:** Other Significant**CFR Citation:** 25 CFR 573

## NIGC

## Long-Term Actions

**Agency Contact:** Penny J. Coleman  
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**RIN:** 3141-AA15

**4125. 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

**4126. 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

**4127. 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  
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**RIN:** 3141-AA26

**4128. 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

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