



Monday
April 27, 1998

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 near future, the Commission intends to issue Notices of Proposed Rulemaking or Advance Notices of Proposed Rulemaking for rules concerning definitions (not including 502.7 or 502.8) and practice before the Commission; rules concerning hearings and appeals procedures; rules concerning enforcement; rules revising tribal background investigation submission requirements and timing;

rules revising the scope and review of management contracts; rules concerning net gaming revenue; rules concerning public health and safety compliance; rules concerning game classification; rules concerning administrative fees; rules revising Freedom of Information Act Procedures; rules concerning annual fees payable to the Commission; rules concerning the issuance of certificates of self regulation; and rules concerning compulsory process and testimony of employees. The Commission invites questions and public comment on individual agenda items.

FOR FURTHER INFORMATION CONTACT: Penny J. Coleman, 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** in April and October of 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 the regulations under consideration will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Flexibility Analysis is required. 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 1 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.

Dated: February 18, 1998.

Tadd M. Johnson,
Chairman of the National Indian Gaming Commission.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4334	Review of Petitions for Certificate of Self-Regulation Under the Indian Gaming Regulatory Act	3141-AA04
4335	Minimum Internal Control Standards for Tribal Gaming Operations	3141-AA11
4336	Game Classification	3141-AA12
4337	Self-Regulation Certification for Class III Gaming Operations	3141-AA22
4338	Gaming Facility Licensing Standards	3141-AA23

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4339	Practice Before the Commission	3141-AA07
4340	Hearings and Appeals Procedure	3141-AA08
4341	Enforcement	3141-AA09
4342	Definitions	3141-AA10
4343	Management Contracts	3141-AA13
4344	Net Gaming Revenue	3141-AA14
4345	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
4346	Administrative Fees	3141-AA16
4347	Public Health and Safety Compliance	3141-AA17
4348	Compulsory Process and Testimony of Employees	3141-AA20
4349	Freedom of Information Act Procedures (Amendments)	3141-AA21

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
4350	Annual Fees	3141-AA18
4351	Definitions of Electronic Aid and Electronic Facsimile	3141-AA19

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Proposed Rule Stage

4334. REVIEW OF PETITIONS FOR CERTIFICATE OF SELF-REGULATION UNDER THE INDIAN GAMING REGULATORY ACT

Priority: Other Significant

Legal Authority: 25 USC 2701 et seq; 25 USC 2710(c); 25 USC 2717(a)

CFR Citation: 25 CFR 581

Legal Deadline: None

Abstract: This rule will provide procedures for a tribe to petition the Commission for a certificate of self-regulation of class II and class III gaming. The rule will implement the statutory standards that must be met in order for the Commission to grant such a petition. The rule also will implement the Commission's authority to remove a certificate of self-regulation for just cause.

Timetable:

Action	Date	FR Cite
NPRM	03/12/98	63 FR 12319
NPRM Comment Period End	05/11/98	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Maria Getoff, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA04

4335. MINIMUM INTERNAL CONTROL STANDARDS FOR TRIBAL GAMING OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 2706(b); 25 USC 2710(b)(2)(c)

CFR Citation: 25 CFR 571; 25 CFR 573

Legal Deadline: None

Abstract: This rule establishes minimum internal control standards for tribal gaming operations, including standards for auditing, debt collection, accounting, and security.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/98	63 FR 10798
ANPRM Comment Period End	04/05/98	
NPRM	07/00/98	

Small Entities Affected: None

Government Levels Affected: Tribal

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Phone: 202 632-7003
Fax: 202 632-7066

RIN: 3141-AA11

4336. GAME CLASSIFICATION

Priority: Other Significant

Legal Authority: 25 USC 2703; 25 USC 2706

CFR Citation: Not yet determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: State, Tribal

Agency Contact: Penny Coleman, Acting General Counsel, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
Phone: 202 632-7003

Fax: 202 632-7066

RIN: 3141-AA12

4337. • SELF-REGULATION CERTIFICATION FOR CLASS III GAMING OPERATIONS

Priority: Other Significant

Legal Authority: 25 USC 2706(b)(10); 25 USC 2717(a)

CFR Citation: 25 CFR 518 (New)

Legal Deadline: None

Abstract: These regulations will implement the issuance of certificates of self-regulation for class III gaming operations.

Timetable:

Action	Date	FR Cite
ANPRM	03/12/98	63 FR 12323
ANPRM Comment Period End	05/11/98	
NPRM	09/00/98	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Maria Getoff, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
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RIN: 3141-AA22

4338. • GAMING FACILITY 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 establishes minimum standards which tribes will adopt when they license gaming facilities within their reservations

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Proposed Rule Stage

pursuant to 25 USC 2710(b) and their tribal gaming ordinances.

Timetable:

Action	Date	FR Cite
NPRM	07/00/98	

Action	Date	FR Cite
NPRM Comment Period End	09/00/98	
Small Entities Affected: Undetermined		
Government Levels Affected: Tribal		

Agency Contact: Mai Dinh, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
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RIN: 3141-AA23

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Long-Term Actions

4339. PRACTICE BEFORE THE COMMISSION

Priority: Substantive, Nonsignificant
CFR Citation: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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RIN: 3141-AA07

Phone: 202 632-7003
Fax: 202 632-7066
RIN: 3141-AA09

4342. DEFINITIONS

Priority: Substantive, Nonsignificant
CFR Citation: 25 CFR 502 (Revision)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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RIN: 3141-AA10

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 25 CFR 571; 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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RIN: 3141-AA14

4340. HEARINGS AND APPEALS PROCEDURE

Priority: Other Significant

CFR Citation: 25 CFR 522; 25 CFR 523; 25 CFR 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	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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RIN: 3141-AA08

4343. MANAGEMENT CONTRACTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 25 CFR 531; 25 CFR 533; 25 CFR 536

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
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RIN: 3141-AA13

4345. TRIBAL BACKGROUND INVESTIGATION SUBMISSION REQUIREMENTS AND TIMING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 25 CFR 556; 25 CFR 558

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
Phone: 202 632-7003
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RIN: 3141-AA15

4341. ENFORCEMENT

Priority: Other Significant

CFR Citation: 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman

4344. NET GAMING REVENUE

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

4346. ADMINISTRATIVE FEES

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 514

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

NIGC

Long-Term Actions

Small Entities Affected: None
Government Levels Affected: Tribal
Agency Contact: Penny J. Coleman
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 Fax: 202 632-7066
RIN: 3141-AA16

4347. PUBLIC HEALTH AND SAFETY COMPLIANCE

Priority: Substantive, Nonsignificant
CFR Citation: 25 CFR 573
Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None
Government Levels Affected: Tribal

Agency Contact: Penny J. Coleman
 Phone: 202 632-7003
 Fax: 202 632-7066
RIN: 3141-AA17

4348. COMPULSORY PROCESS AND TESTIMONY OF EMPLOYEES

Priority: Substantive, Nonsignificant
CFR Citation: None
Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Penny J. Coleman
 Phone: 202 632-7003
 Fax: 202 632-7066
RIN: 3141-AA20

4349. FREEDOM OF INFORMATION ACT PROCEDURES (AMENDMENTS)

Priority: Substantive, Nonsignificant
CFR Citation: 25 CFR 517.3 (Revision); 25 CFR 517.6 (Revision); 25 CFR 517.8 (Revision)
Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Penny J. Coleman
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 Fax: 202 632-7066
RIN: 3141-AA21

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Completed Actions

4350. ANNUAL FEES

Priority: Other Significant
Legal Authority: 25 USC 2706; 25 USC 2708; 25 USC 2710; 25 USC 2717; 25 USC 2717(a)
CFR Citation: 25 CFR 514 (Revision)
Legal Deadline: None

Abstract: The NIGC is attempting to lift the current statutory fee cap in order to effectively meet its regulatory obligations. If the statutory fee cap is lifted, it will be necessary to amend the fee schedule regulations to be consistent with the statute.

Timetable:

Action	Date	FR Cite
NPRM	12/16/97	62 FR 65775
NPRM Comment Period End	01/15/98	
Final Action	03/12/98	63 FR 12312
Final Action Effective	04/13/98	

Small Entities Affected: None
Government Levels Affected: Tribal

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 Fax: 202 632-7066
RIN: 3141-AA18

4351. DEFINITIONS OF ELECTRONIC AID AND ELECTRONIC FACSIMILE

Priority: Other Significant
Legal Authority: 25 USC 2706
CFR Citation: 25 CFR 502 (Revision)
Legal Deadline: None

Abstract: The Commission will use the rulemaking process to request public comment designed to assist the NIGC in its evaluation of the decision to amend its current definition of electronic aid and electronic facsimile. Specifically, the Commission seeks input on the effectiveness of the current regulations in distinguishing between a

Class II aid and a Class III facsimile, as well as suggestions for amendments.

Timetable:

Action	Date	FR Cite
ANPRM	09/02/97	62 FR 46227
ANPRM Comment Period End	11/03/97	
PL 105-83 Prohibits Use of Funds To Amend or Replace 25 CFR 502.7 or 502.8	11/14/97	

Small Entities Affected: Undetermined
Government Levels Affected: State, Tribal

Agency Contact: Penny Coleman,
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