



**Monday
November 9, 1998**

Part LXI

**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 practice before the Commission; rules concerning hearings and appeals procedures; rules concerning enforcement; rules concerning definitions; rules revising the scope and review of management contracts; rules concerning net gaming revenue; rules revising tribal background investigation submission requirements and timing; rules concerning administrative fees;

rules concerning public health and safety compliance; rules concerning compulsory process and testimony of employees; rules revising Freedom of Information Act Procedures; rules concerning gaming facility licensing standards; 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: 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.

For this edition of the Commission's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue 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.

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

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4565	Game Classification (Reg Plan Seq. No. 172)	3141-AA12
4566	Self-Regulation Certification for Class III Gaming Operations (Reg Plan Seq. No. 173)	3141-AA22
4567	Gaming Facility Licensing Standards	3141-AA23

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

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4568	Minimum Internal Control Standards for Tribal Gaming Operations (Reg Plan Seq. No. 174)	3141-AA11

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

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4569	Practice Before the Commission	3141-AA07
4570	Hearings and Appeals Procedure	3141-AA08
4571	Enforcement	3141-AA09
4572	Definitions	3141-AA10

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4573	Management Contracts	3141-AA13
4574	Net Gaming Revenue	3141-AA14
4575	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
4576	Administrative Fees	3141-AA16
4577	Public Health and Safety Compliance	3141-AA17
4578	Compulsory Process and Testimony of Employees	3141-AA20
4579	Freedom of Information Act Procedures (Amendments)	3141-AA21
4580	Technical Amendments to the Minimum Internal Control Standards	3141-AA24

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4581	Issuance of Certificates of Self-Regulation to Tribes	3141-AA04

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Proposed Rule Stage

4565. GAME CLASSIFICATION

Regulatory Plan: This entry is Seq. No. 172 in Part II of this issue of the **Federal Register**.

RIN: 3141-AA12

4566. SELF-REGULATION CERTIFICATION FOR CLASS III GAMING OPERATIONS

Regulatory Plan: This entry is Seq. No. 173 in Part II of this issue of the **Federal Register**.

RIN: 3141-AA22

4567. 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 pursuant to 25 USC 2710(b) and their tribal gaming ordinances.

Timetable:

Action	Date	FR Cite
NPRM	07/00/99	
NPRM Comment Period End	09/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Tribal

Agency Contact: Mai Dinh, Staff Attorney, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005
Phone: 202 632-7003
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RIN: 3141-AA23

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Final Rule Stage

4568. MINIMUM INTERNAL CONTROL STANDARDS FOR TRIBAL GAMING OPERATIONS

Regulatory Plan: This entry is Seq. No. 174 in Part II of this issue of the **Federal Register**.

RIN: 3141-AA11

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Long-Term Actions

4569. PRACTICE BEFORE THE COMMISSION

Priority: Substantive, Nonsignificant

CFR Citation: Not yet determined

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

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

Fax: 202 632-7066

RIN: 3141-AA07

4570. 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	

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

4571. ENFORCEMENT

Priority: Other Significant

CFR Citation: 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

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

4572. DEFINITIONS

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 502

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

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

Fax: 202 632-7066

RIN: 3141-AA10

4573. 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	

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

4574. NET GAMING REVENUE

Priority: Substantive, Nonsignificant

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 571; 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

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

4575. 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	

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

4576. ADMINISTRATIVE FEES

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 514

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

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

4577. PUBLIC HEALTH AND SAFETY COMPLIANCE

Priority: Substantive, Nonsignificant

CFR Citation: 25 CFR 573

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

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

Fax: 202 632-7066

RIN: 3141-AA17

NIGC

Long-Term Actions

4578. COMPULSORY PROCESS AND TESTIMONY OF EMPLOYEES**Priority:** Substantive, Nonsignificant**CFR Citation:** Not yet determined**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Penny J. Coleman

Phone: 202 632-7003

Fax: 202 632-7066

RIN: 3141-AA20**4579. FREEDOM OF INFORMATION ACT PROCEDURES (AMENDMENTS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 517.3; 25 CFR 517.6; 25 CFR 517.8**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Jeanne McLaughlin

Phone: 202 632-7003

Fax: 202 632-7066

RIN: 3141-AA21**4580. • TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS****Priority:** Substantive, Nonsignificant**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 to respond to changes in technology and the gaming industry. Because these standards are established by Federal regulation, it is necessary to make the changes to the current standards. The benefit is better internal control standards and the anticipated costs are minimal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal**Agency Contact:** Mai Dinh, Staff

Attorney, National Indian Gaming

Commission, 1441 L Street NW., Suite

9100, Washington, DC 20005

Phone: 202 632-7003

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RIN: 3141-AA24

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Completed Actions

4581. ISSUANCE OF CERTIFICATES OF SELF-REGULATION TO TRIBES**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	
Final Action	08/06/98	63 FR 41960
Final Action Effective	09/08/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal**Agency Contact:** Maria Getoff, Staff

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RIN: 3141-AA04

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