



Federal Register

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Part LIX

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 the classification, review, and approval of games and devices used in tribal gaming; 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 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.

Montie R. Deer,
Chairman, National Indian Gaming Commission.

National Indian Gaming Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4303	Practice Before the Commission	3141-AA07
4304	Environment and Public Health and Safety	3141-AA17

National Indian Gaming Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4305	Game Classification	3141-AA12

National Indian Gaming Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4306	Hearings and Appeals Procedure	3141-AA08
4307	Enforcement	3141-AA09
4308	Definitions	3141-AA10
4309	Management Contracts	3141-AA13
4310	Net Gaming Revenue	3141-AA14
4311	Tribal Background Investigation Submission Requirements and Timing	3141-AA15
4312	Administrative Fees	3141-AA16
4313	Freedom of Information Act Procedures (Amendments)	3141-AA21
4314	Gaming Facility Licensing Standards	3141-AA23

NIGC

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

Sequence Number	Title	Regulation Identification Number
4315	Technical Amendments to the Minimum Internal Control Standards	3141-AA24

National Indian Gaming Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4316	Compulsory Process and Testimony of Employees	3141-AA20

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Proposed Rule Stage

4303. PRACTICE BEFORE THE COMMISSION

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 2706(b)(10)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule will establish guidelines and procedures for attorneys and nonattorneys who represent tribes or private companies before the Commission.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

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RIN: 3141-AA07

4304. 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: It is necessary for the NIGC to promulgate regulations which ensure that tribal gaming facilities are constructed and maintained in a manner which protects the

environment and the public health and safety.

Timetable:

Action	Date	FR Cite
ANPRM	04/27/99	64 FR 22588
ANPRM Comment	06/28/99	
Period End		
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

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RIN: 3141-AA17

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Final Rule Stage

4305. 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	11/10/99	64 FR 61234
NPRM Comment	02/24/00	
Period End		
Final Action	09/00/00	

Regulatory Flexibility Analysis Required: Undetermined

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
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RIN: 3141-AA12

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Long-Term Actions

4306. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal**Agency Contact:** Richard B. Schiff
Phone: 202 632-7003
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Email: richard__schiff@nigc.doi.gov**RIN:** 3141-AA08**4307. 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
Email: penny__coleman@nigc.doi.gov**RIN:** 3141-AA09**4308. DEFINITIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 502**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
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Email: penny__coleman@nigc.doi.gov**RIN:** 3141-AA10**4309. 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
Email: penny__coleman@nigc.doi.gov**RIN:** 3141-AA13**4310. 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
Email: penny__coleman@nigc.doi.gov**RIN:** 3141-AA14**4311. 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
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Email: penny__coleman@nigc.doi.gov**RIN:** 3141-AA15**4312. 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
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Email: penny__coleman@nigc.doi.gov
RIN: 3141-AA16**4313. 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 M. McLaughlin
Phone: 202 632-7003
Fax: 202 632-7066
Email: jean__mclaughlin@nigc.doi.gov**RIN:** 3141-AA21**4314. 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
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Email: penny__coleman@nigc.doi.gov
RIN: 3141-AA23**4315. TECHNICAL AMENDMENTS TO THE MINIMUM INTERNAL CONTROL STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 542**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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NIGC**Long-Term Actions**

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 RIN: 3141-AA24

NATIONAL INDIAN GAMING COMMISSION (NIGC)**Completed Actions****4316. COMPULSORY PROCESS AND TESTIMONY OF EMPLOYEES**

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 2706; 5 USC 552; 5 USC 552a

CFR Citation: 25 CFR 516

Legal Deadline: None

Abstract: The purpose of these rules is to establish a procedure for the testimony of employees of the National

Indian Gaming Commission in any judicial or administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	07/15/99	64 FR 38164
NPRM Comment Period End	08/16/99	
Final Action	11/08/99	64 FR 54541

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3141-AA20

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