



# Federal Register

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Monday,  
May 13, 2002

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Part LVIII

## 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 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, Advance Notices of Proposed Rulemaking, or Final Rules for the following: rules concerning technical amendments to the Minimum Internal Control Standards; 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 the classification, review, and approval of games and devices used in tribal gaming; rules

concerning environment, public health and safety; 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 concerning administrative fees; rules revising Freedom of Information Act procedures; rules revising Privacy Act procedures; rules concerning gaming facility licensing standards; rules concerning practice before the Commission; and rules implementing the National Environmental Policy Act (NEPA). The Commission invites questions and public comment on individual agenda items.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Shaw Omberg, 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 Executive Order 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. Finally, most of the Commission’s 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 or the Privacy Act procedures are a major rule.

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

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

Sequence Number	Title	Regulation Identification Number
3948	Definitions .....	3141-AA10
3949	Tribal Background Investigation Submission Requirements and Timing .....	3141-AA15

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

Sequence Number	Title	Regulation Identification Number
3950	Game Classification .....	3141-AA12
3951	Environment and Public Health and Safety .....	3141-AA17
3952	Technical Amendments to the Minimum Internal Control Standards .....	3141-AA24
3953	Debt Collection .....	3141-AA25

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

Sequence Number	Title	Regulation Identification Number
3954	Practice Before the Commission .....	3141-AA07
3955	Hearings and Appeals Procedure .....	3141-AA08
3956	Enforcement .....	3141-AA09
3957	Management Contracts .....	3141-AA13

## NIGC

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

Sequence Number	Title	Regulation Identification Number
3958	Net Gaming Revenue .....	3141-AA14
3959	Administrative Fees .....	3141-AA16
3960	Freedom of Information Act Procedures (Amendments) .....	3141-AA21
3961	Gaming Facility Licensing Standards .....	3141-AA23
3962	National Environmental Policy Act (NEPA) Implementing Regulations .....	3141-AA26

## National Indian Gaming Commission (NIGC)

## Proposed Rule Stage

## 3948. DEFINITIONS

**Priority:** Other Significant

**Legal Authority:** 25 USC 2701 et seq.

**CFR Citation:** 25 CFR 502

**Legal Deadline:** None

**Abstract:** The rule will revise the definitions of “electronic, computer or other technological aid,” “electronic and electromechanical facsimile,” and “games similar to bingo,” set forth at 25 CFR 502.7 to 502.9.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/01	66 FR 33494
NPRM Comment Period End	08/21/01	
Second NPRM	03/20/02	67 FR 13296
Second NPRM Comment Period End	04/22/02	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Penny J. Coleman, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005  
Phone: 202 632-7003  
Fax: 202 632-7066

**RIN:** 3141-AA10

**Abstract:** This rule revises timing and submission requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Penny J. Coleman, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005  
Phone: 202 632-7003  
Fax: 202 632-7066

**RIN:** 3141-AA15

**3949. TRIBAL BACKGROUND INVESTIGATION SUBMISSION REQUIREMENTS AND TIMING**

**Priority:** Other Significant

**Legal Authority:** 25 USC 2706(b)(3)

**CFR Citation:** 25 CFR 556; 25 CFR 558

**Legal Deadline:** None

## National Indian Gaming Commission (NIGC)

## Final Rule Stage

## 3950. GAME CLASSIFICATION

**Priority:** Other Significant

**Legal Authority:** 25 USC 2702; 25 USC 2703; 25 USC 2705; 25 USC 2706; 25 USC 2710; 25 USC 2713

**CFR Citation:** 25 CFR 504

**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

Action	Date	FR Cite
NPRM Comment Period End	02/24/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**RIN:** 3141-AA12

**3951. ENVIRONMENT AND PUBLIC HEALTH AND SAFETY**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 25 USC 2710(b)(2)(E)

**CFR Citation:** 25 CFR 573

**Legal Deadline:** None

**Abstract:** It is necessary for the National Indian Gaming Commission to promulgate regulations, which ensure that tribal gaming facilities are constructed and maintained in a manner that protects the environment and the public health and safety.

**NIGC**

**Final Rule Stage**

**Timetable:**

Action	Date	FR Cite
ANPRM	04/27/99	64 FR 22588
ANPRM Comment Period End	06/28/99	
NPRM	07/24/00	65 FR 45558
NPRM Comment Period End	01/19/01	
Second NPRM	10/02/01	66 FR 50127
Second NPRM Comment Period End	12/29/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Christine Nagle, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005  
 Phone: 202 632-7003  
 Fax: 202 632-7066  
 Email: christine\_nagle@nigc.doi.gov  
**RIN:** 3141-AA17

**3952. 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 in response 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, which should result in better internal control standards with minimal anticipated costs.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/27/00	65 FR 70673
ANPRM Comment Period End	03/30/01	66 FR 12916
NPRM	12/26/01	66 FR 66500
NPRM Comment Period End	03/04/02	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Penny J. Coleman, Deputy General Counsel, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005  
 Phone: 202 632-7003  
 Fax: 202 632-7066  
**RIN:** 3141-AA24

**3953. 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	01/08/02	
Interim Final Rule Comment Period End	01/14/02	
Final Rule	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Cynthia S. Omberg, Attorney, National Indian Gaming Commission, Suite 9100, 1441 L Street NW., Washington, DC 20005  
 Phone: 202 632-7003  
 Fax: 202 632-7066  
 Email: cynthia\_omberg@nigc.doi.gov

**RIN:** 3141-AA25

**National Indian Gaming Commission (NIGC)**

**Long-Term Actions**

**3954. PRACTICE BEFORE THE COMMISSION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** William F. Grant  
 Phone: 202 632-7003  
 Fax: 202 632-7066  
 Email: william\_grant@nigc.doi.gov

**RIN:** 3141-AA07

**3955. 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  
 Phone: 202 632-7003  
 Fax: 202 632-7066

**RIN:** 3141-AA08

**3956. 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

**RIN:** 3141-AA09

## NIGC

## Long-Term Actions

**3957. 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

**RIN:** 3141-AA13**3958. 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**3959. 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**3960. FREEDOM OF INFORMATION ACT PROCEDURES (AMENDMENTS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 517.3; 25 CFR 517.6; 25 CFR 517.8**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Gregory Smith

Phone: 202 632-7003

Fax: 202 632-7066

Email: gregory\_smith@nigc.doi.gov

**RIN:** 3141-AA21**3961. 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**3962. 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:** Danna R. Jackson

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**RIN:** 3141-AA26

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