

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. Beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov.

In the future, the NIGC intends to issue notices of proposed rulemaking, advance notices of proposed rulemaking, or final rules for the following: rules establishing classification standards for gaming machines; rules establishing technical standards for Class II gaming machines and associated equipment; rules revising the audit standards that apply to Indian gaming facilities; 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 revising the scope and review of management contracts; rules concerning the definitions of "electronic or electromechanical facsimile," "net gaming revenue," "sole proprietary interest," "direct or indirect financial interest in a management contract," and "key employee"; rules concerning administrative fees; rules revising and updating the civil fines provisions; rules concerning technical amendments to the NIGC's Minimum Internal Control Standards (MICS); rules regarding MICS specific to Class II gaming; rules regarding background investigations of persons or entities with a financial interest in a gaming facility; and rules concerning background investigations and licenses for key employees and primary management officials. The NIGC invites questions and public comment on individual agenda items.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, 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 NIGC are not "significant" rules within the meaning of EO 12866, and no regulatory impact analysis is required. The NIGC also has determined, under the Regulatory Flexibility Act, that except as stated below, most of the regulations under consideration will not have a significant economic impact on a substantial number of small entities. Furthermore, Indian tribes are not small entities under the Act. No regulatory flexibility analysis is required for the proposed rules. The NIGC has not yet determined whether the rules implementing the Privacy Act or the rules regarding gaming machine classifications 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 the NIGC is an independent agency not subject to the Act. The NIGC has determined that the proposed rules for gaming machine classification standards and technical standards may result in an expenditure of \$100 million or more in any one year by State, local, or tribal governments. The rest of the 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: March 6, 2008.

NAME: Philip N. Hogen,
Chairman, National Indian Gaming Commission.

The 19 Regulatory Agendas

National Indian Gaming Commission - Proposed Rule

Title	Regulation Identifier Number
Management Contracts	3141-AA13
Net Gaming Revenue	3141-AA14
Administrative Fees	3141-AA16
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Privacy Act Procedures (Amendments)	3141-AA28
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Background Investigations	3141-AA36
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National Indian Gaming Commission - Final Rule

Title	Regulation Identifier Number
Technical Standards for Gaming Machines and Gaming Systems	3141-AA29
Game Classification Standards	3141-AA31
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National Indian Gaming Commission - Long-term Action

Title	Regulation Identifier Number
Hearings and Appeals Procedure	3141-AA08
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National Indian Gaming Commission - Completed Action

Title	Regulation Identifier Number
Gaming Facility and Site Licensing Standards	3141-AA23

National Indian Gaming Commission (NIGC)

RIN: 3141-AA13

 [View Related Documents](#)
Title: Management Contracts

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA16

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Title: Administrative Fees**Abstract:** This rule establishes processes for the calculation and reporting of fees payable to the National Indian Gaming Commission and changes the number of scheduled fee payments.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 25 CFR 514 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 25 USC 2706(b)(10)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	

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

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA25

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Title: Debt Collection**Abstract:** This regulation will establish a process for the assessment, notification and collection of debts owed the National Indian Gaming Commission.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 25 CFR 580 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 31 USC 3711; 25 USC 2713(a)(1); 25 USC 2706(b)(10)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/20/2001	66 FR 58056
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA28

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Title: Privacy Act Procedures (Amendments)

Abstract: These rules will revise current regulations to update addresses and list systems of records.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 515 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 552a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Tribal

Small Entities Affected: No

Federalism: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA34

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Title: Audit Standards

Abstract: These regulations will revise the audit standards that apply to Indian gaming facilities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 571.12; 25 CFR 571.13; 25 CFR 571.14 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA35

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Title: Background Investigations and Gaming Licenses for Primary Management Officials and Key Employees

Abstract: The National Indian Gaming Commission will amend 25 CFR 556, Background Investigations for Primary Management Officials and Key Employees, and 25 CFR 558, Gaming Licenses for Key Employees and Primary Management Officials, to clarify that the regulations concern licensing, not employment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 556; 25 CFR 558 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 25 USC 2706(b)(10); 25 USC 2710; 25 USC 2712

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA36

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Title: Background Investigations

Abstract: The National Indian Gaming Commission will amend 25 CFR 537 to clarify the requirements and change the deposit for background investigations of persons or entities with a financial interest in a management contract.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 537 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 25 USC 2711

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA39

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Title: Definition of Direct or Indirect Financial Interest in a Management Contract

Abstract: The National Indian Gaming Commission will amend 25 CFR 502.17 to clarify and expand the definition of Direct or Indirect Financial Interest.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 502.17 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 25 USC 2706(b)(10); 25 USC 2711

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA29

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Title: Technical Standards for Gaming Machines and Gaming Systems

Abstract: It is necessary for the National Indian Gaming Commission (NIGC) to promulgate regulations establishing technical standards in order to assure the integrity of electronic equipment used with the play of class II games. Technical standards will address actual operation of gaming machines and systems and the equipment related to their operation.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 25 CFR 547 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Technical standards are needed to assure machine games are operated in a manner that ensures uniformity and integrity in tribal gaming.

Legal Basis: It is the goal of NIGC to provide regulation of Indian gaming to shield it from organized crime and other corrupting influences as well as assuring that gaming is conducted fairly and honestly. (25 U.S.C. 2702). The Commission is charged with the responsibility of monitoring gaming conducted on Indian lands. (25 U.S.C. 2706(b)(1)). The Indian Gaming Regulatory Act expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the (Act)." (25 U.S.C. 2706(b)(10)). The Commission relies on these sections of the statute to authorize the promulgation of technical standards for gaming machines to ensure uniformity and integrity in tribal gaming.

Alternatives: If the Commission does not issue a rule establishing technical standards for gaming machines, tribal gaming will not have the benefit of a standard that can help promote the integrity of the equipment in class II gaming.

Costs and Benefits: The development of technical standards will reduce the cost of regulation to the Federal Government. Additionally, technical standards will aid tribal governments in the regulation of their gaming activities as well as prevent loss associated with defective or substandard gaming devices. Anticipated costs will be to gaming machine manufacturers and tribes.

Risks: There are no known risks to this regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	08/11/2006	71 FR 46336
Other	02/09/2007	72 FR 7360
NPRM	10/24/2007	72 FR 60508
NPRM Comment Period End	03/09/2008	73 FR 3224
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA31

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Title: Game Classification Standards

Abstract: It is necessary for the National Indian Gaming Commission (NIGC) to promulgate regulations establishing game classification standards because of the distinction between class II and class III gaming set forth in the Indian Gaming Regulatory Act (IGRA). Technical changes make it difficult for regulators to keep up with the gaming industry. By establishing classification standards and clarifying the definition of "electronic or electromechanical facsimile," tribal gaming commissions, the primary regulators of tribal gaming, will more easily be able to distinguish between class II and class III machines.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 25 CFR 546; 25 CFR 502.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 25 USC 2706(b)(10); 25 USC 2702

Legal Deadline: None

Regulatory Plan:

Statement of Need: Gaming classification standards are needed to assure that regulators can determine whether gaming machines are class II or class III devices under IGRA.

Legal Basis: It is the goal of NIGC to provide regulation of Indian gaming to shield it from organized crime and other corrupting influences as well as assuring that gaming is conducted fairly and honestly. (25 U.S.C. 2702). The Commission is charged with the responsibility of monitoring gaming conducted on Indian lands. (25 U.S.C. 2706(b)(1)). IGRA expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the (Act)." (25 U.S.C. 2706(b)(10)). The Commission relies on these sections of the statute to authorize the promulgation of technical standards for game classifications and for gaming machines to ensure uniformity and integrity in tribal gaming.

Alternatives: The Commission can either: (1) Issue a rule establishing game classifications and gaming machines, or (2) continue evaluating classifications on a case-by-case basis.

Costs and Benefits: The development of classification standards will reduce the cost of regulation to the Federal Government. Additionally, classification standards will aid tribal governments in the regulation of their gaming activities. There are anticipated costs to gaming machine manufacturers and tribal governments. The NIGC is conducting a cost/benefit analysis.

Risks: There are no known risks to this regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/25/2006	71 FR 30232
NPRM	05/25/2006	71 FR 30238
Other	02/09/2007	72 FR 7359
NPRM	10/24/2007	72 FR 60482
NPRM	10/24/2007	72 FR 60483
NPRM Comment Period End	03/09/2008	73 FR 3223
NPRM Comment Period End	03/09/2008	73 FR 3223
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA37

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Title: Class II Minimum Internal Control Standards

Abstract: Add a new part to the CFR to clarify and adjust NIGC minimum internal control standards for Class II gaming.

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA15

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Title: Tribal Background Investigation Submission Requirements and Timing

Abstract: This rule revises timing and submission requirements for tribal background investigations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 556; 25 CFR 558 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 25 USC 2706(b)(3); 25 USC 2706(b)(10)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Federalism: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA27

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Title: Technical Amendments to the Minimum Internal Control Standards

Abstract: The National Indian Gaming Commission is making technical changes to the Minimum Internal Control Standards (MICS) in response to changes in technology and the gaming industry. The Commission will routinely revise the MICS in response to these changes.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 25 CFR 542 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 25 USC 2702; 25 USC 2706(b)(10)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
Other	00/00/0000	
NPRM	12/01/2004	69 FR 69847
Second NPRM	03/10/2005	70 FR 11893
Other	05/04/2005	70 FR 23011
Other	08/12/2005	70 FR 47097
Other	11/15/2005	70 FR 69293
Other	05/11/2006	71 FR 27385

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA30

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Title: Civil Fines Revision and Update

Abstract: Revision and update of 25 CFR part 575 relating to a revision and update of civil fines.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 25 USC 2713; 25 USC 2705(a)(2); 25 USC 2706(a)(2)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA32

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Title: Definition of Sole Proprietary Interest

Abstract: The National Indian Gaming Commission (NIGC) is considering a rulemaking to define "sole proprietary interest" as that term is used in the Indian Gaming Regulatory Act (IGRA). IGRA requires, with one limited exception, Indian tribes to have the sole proprietary interest and responsibility for the conduct of any gaming activity on the tribes' Indian lands. Neither IGRA nor the NIGC's current regulations define "sole proprietary interest."

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 502 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Federalism: No

Energy Affected: No

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National Indian Gaming Commission (NIGC)

RIN: 3141-AA33

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Title: Definition of Key Employee

Abstract: This rule will revise the regulatory definition of "key employee" at 25 CFR 502.14.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 502.14 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: No**Federalism:** No**Energy Affected:** No**Agency Contact:** Andrea Lord

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National Indian Gaming Commission (NIGC)**RIN:** 3141-AA23 [View Related Documents](#)**Title:** Gaming Facility and Site Licensing Standards**Abstract:** This rule established minimum standards for issuance of gaming facility licenses within a tribe's jurisdiction pursuant to 25 U.S.C. 2710(b). The new regulations require tribes to identify and enforce environmental, public health, and safety (EPHS) standards to the gaming facility, as well as notify the NIGC when it plans to open new gaming facilities.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 25 CFR 522.4(b)(6); 25 CFR 522.6(b) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 25 USC 2706(b)(10); 25 USC 2710(b); 25 USC 2710(d)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	02/01/2008	73 FR 6019
Final Action Effective	03/03/2008	73 FR 6019

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Penny J. Coleman

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