

**DEPARTMENT OF THE INTERIOR****National Indian Gaming Commission****25 CFR Parts 542 and 543**

RIN 3141-AA-37

**Minimum Internal Control Standards for Class II Gaming****AGENCY:** National Indian Gaming Commission.**ACTION:** Final rule; delay of effective date; suspension.

**SUMMARY:** The National Indian Gaming Commission (NIGC) announces the delay of the effective date of a rule published in the *Federal Register* on October 10, 2008. The Commission also announces the suspension of regulations. These changes are intended to maintain the regulatory status quo while tribes and operations transition to the new Class II Minimum Internal Control Standards that were published on September 21, 2012.

**DATES:** The effective date for amendments to §§ 542.7 and 542.16 in the final rule published October 10, 2008, 73 FR 60492, delayed October 9, 2009, at 74 FR 52138, September 10, 2010, at 75 FR 55269, and August 30, 2011, at 76 FR 53817, is further delayed until April 22, 2014. Section 543.3(c)(3) is suspended until 11:59 p.m. October 21, 2012. Submit comments on or before October 11, 2012.

**ADDRESSES:** Send comments to Jennifer Ward, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005; email: [reg.review@nigc.gov](mailto:reg.review@nigc.gov).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Ward, Attorney, NIGC Office of General Counsel, at (202) 632-7003; fax (202) 632-7066 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** Congress established the National Indian Gaming Commission under the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701-21 (IGRA), to regulate gaming on Indian lands. The NIGC published a final rule on September 21, 2012, that will supersede the existing part 543, Minimum Internal Control Standards Class II Gaming, with comprehensive and updated standards, effective October 22, 2012. The 2012 rule also provides up to 18 months for operations to implement the new standards.

During this transition period, the Commission desires to maintain the existing standards in part 542, as they apply to Class II gaming. Some of these standards, § 542.7 (Bingo) and § 542.16

(Information technology) are scheduled to be removed effective October 12, 2012 in accordance with the final rule, published on October 10, 2008. (73 FR 60492; delayed by 74 FR 52138, 75 FR 55269, and 76 FR 53817). In order to preserve regulation for these areas during the transition period, the Commission delays the effective date for removing §§ 542.7 and 542.16 until April 22, 2014.

Similarly, the 2008 final rule also set forth a requirement at § 543.3(c)(3) that required tribal operators to come into compliance with tribal internal control standards within a certain timeframe. This deadline was also extended numerous times, most recently by 76 FR 53817, to October 12, 2012. (74 FR 52138, 75 FR 55269, and 76 FR 53817). Rather than requiring operations to implement standards for the ten days before the 2012 final rule takes effect, the Commission suspends § 543.3(c)(3) until 11:59 p.m. October 21, 2012, after which time the standard will be overwritten by the final rule published on September 21, 2012 (77 FR 58708).

**Regulatory Matters***Regulatory Flexibility Act*

The rule will not have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Moreover, Indian tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

*Small Business Regulatory Enforcement Fairness Act*

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of \$100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions, nor will the rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

*Unfunded Mandate Reform Act*

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

*Takings*

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

*Civil Justice Reform*

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

*National Environmental Policy Act*

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

*Paperwork Reduction Act*

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 3141-0012, which expired in August of 2011. The NIGC published a notice to reinstate that control number on April 25, 2012. 77 FR 24731. There is no change to the paperwork created by this revision.

**List of Subjects***25 CFR Part 542*

Accounting, Gambling, Indian—Indian lands, Reporting and recordkeeping requirements.

*25 CFR Part 543*

Administrative practice and procedure, Gambling, Indian—Indian lands, Reporting and recordkeeping requirements.

For the reasons set forth above, under the authority at 25 U.S.C. 2701, 2702, 2706, *et seq.*, the effective date for the amendments removing and reserving §§ 542.7 and 542.16 in the final rule published October 10, 2008 (73 FR 60492), delayed October 9, 2009, at 74 FR 52138, September 10, 2010, at 75 FR 55269, and August 30, 2011, at 76 FR 53817, is further delayed from October 12, 2012, until April 22, 2014, and 25 CFR part 543 is amended as follows:

## PART 543—MINIMUM INTERNAL CONTROL STANDARDS FOR CLASS II GAMING

■ 1. The authority citation for part 543 continues to read as follows:

**Authority:** 25 U.S.C. 2701 *et seq.*

### § 543.3 [Amended]

■ 2. Section 543.3(c)(3) is suspended until 11:59 p.m., October 21, 2012.

Dated: September 28, 2012.

**Tracie L. Stevens,**

*Chairwoman.*

**Steffani A. Cochran,**

*Vice-Chairwoman.*

**Daniel Little,**

*Associate Commissioner.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2010–0151; FRL–9735–5]

### Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving the fine particulate matter (PM<sub>2.5</sub>) 2002 base year emissions inventory portion of the Virginia State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (VDEQ), on April 4, 2008. The emissions inventory is part of the April 4, 2008 SIP revision that was submitted to meet nonattainment requirements related to Virginia's portion of the Washington DC-MD-VA nonattainment area (hereafter referred to as Virginia Area or Area) for the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) SIP. EPA is approving the 2002 base year PM<sub>2.5</sub> emissions inventory in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on November 5, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2010–0151. All documents in the docket are listed in

the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Asrah Khadr, (215) 814–2071, or by email at [khadr.asrah@epa.gov](mailto:khadr.asrah@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. On July 31, 2012 (77 FR 45304), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of the 2002 base year emissions inventory portion of the Virginia SIP revision. The formal SIP revision was submitted by the Commonwealth of Virginia on April 4, 2008.

#### II. Summary of SIP Revision

The 2002 base year emissions inventory submitted by VDEQ on April 4, 2008 includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), PM<sub>2.5</sub>, coarse particles (PM<sub>10</sub>), ammonia (NH<sub>3</sub>), and sulfur dioxide (SO<sub>2</sub>). EPA has reviewed the results, procedures and methodologies for the base year emissions inventory submitted by VDEQ. The year 2002 was selected by VDEQ as the base year for the emissions inventory per 40 CFR 51.1008(b). A discussion of the emissions inventory development as well as the emissions inventory can be found in Appendix B of the April 4, 2008 SIP submittal and in the NPR. Specific requirements of the base year inventory and the rationale for EPA's action are explained in the NPR

and will not be restated here. No public comments were received on the NPR.

### III. Final Action

EPA is approving the 2002 base year PM<sub>2.5</sub> emissions inventory as a revision to the Virginia SIP.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).