National Indian Gaming Commission

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, 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).

Rule

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:
ENVIRONMENTAL PROTECTION AGENCY

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.


Tracie L. Stevens,
Chairwoman.

Steffani A. Cochran,
Vice-Chairwoman.

Daniel Little,
Associate Commissioner.

ADDRESSES:

BILLING CODE 7565–01–P

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 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 in the inventory are nitrogen oxides (NOₓ), volatile organic compounds (VOCs), PM₂.₅, coarse particles (PM₁₀), ammonia (NH₃), and sulfur dioxide (SO₂). 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, 2006 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 PM₂.₅ 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 (66 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).