

(iii) This verification does not require a complete recount of the drop proceeds but does require a review sufficient to verify the total drop proceeds being transferred.

(iv) The two agents must sign the report attesting to the accuracy of the total drop proceeds verified.

(v) All drop proceeds and cash equivalents that were counted must be turned over to the cage or vault cashier (who must be independent of the count team) or to an agent independent of the revenue generation and the count process for verification. Such cashier or agent must certify, by signature, the amount of the drop proceeds delivered and received. Any unresolved variances must be reconciled, documented, and/or investigated by accounting/revenue audit.

(16) After certification by the agent receiving the funds, the drop proceeds must be transferred to the cage/vault.

(i) The count documentation and records must not be transferred to the cage/vault with the drop proceeds.

(ii) The cage/vault agent must not have knowledge or record of the drop proceeds total before it is verified.

(iii) All count records must be forwarded to accounting secured and accessible only by accounting agents.

(iv) The cage/vault agent receiving the transferred drop proceeds must sign the count sheet attesting to the verification of the total received, and thereby assuming accountability of the drop proceeds, and ending the count.

(v) Any unresolved variances between total drop proceeds recorded on the count room report and the cage/vault final verification during transfer must be documented and investigated.

(17) The count sheet, with all supporting documents, must be delivered to the accounting department by a count team member or agent independent of the cashiers department. Alternatively, it may be adequately secured and accessible only by accounting department.

(j) Controlled keys. Controls must be established and procedures implemented to safeguard the use, access, and security of keys in accordance with the following:

(1) Each of the following requires a separate and unique key lock or alternative secure access method:

(i) Drop or player interface cabinet;

(ii) Drop box or financial instrument storage component release;

(iii) Drop box or financial instrument storage component contents; and

(iv) Storage racks and carts.

(v) Kiosk currency cassettes

(k) Variances. The operation must establish, as approved by the TGRA, the

threshold level at which a variance must be reviewed to determine the cause.

Any such review must be documented.

■ 4. Amend § 543.21 by adding paragraph(c)(6) to read as follows:

**§ 543.21 What are the minimum internal control standards for surveillance?**

\* \* \* \* \*

(c) \* \* \*

(6) Kiosks: The surveillance system must monitor and record a general overview of activities occurring at each kiosk with sufficient clarity to identify the activity and the individuals performing it, including maintenance, drops or fills, and redemption of wagering vouchers or credits.

\* \* \* \* \*

**Tracie L. Stevens,**  
*Chairwoman.*

**Daniel J. Little,**

*Associate Commissioner.*

[FR Doc. 2013-03669 Filed 2-19-13; 8:45 am]

**BILLING CODE 7565-01-P**

**DEPARTMENT OF THE INTERIOR**

**National Indian Gaming Commission**

**25 CFR part 547**

**RIN 3141-AA27**

**Minimum Technical Standards for Class II Gaming Systems and Equipment**

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On September 21, 2012, the National Indian Gaming Commission (“NIGC”) published a final rule amending its technical standards for Class II gaming systems and equipment, and the rule became effective on October 22, 2012. This document proposes an amendment to the regulatory text of the final rule to harmonize the charitable gaming exemptions in the Technical Standards and the Class II Minimum Internal Control Standards of NIGC regulations.

**DATES:** Submit comments on or before April 8, 2013.

**ADDRESSES:** You may submit comments by any one of the following methods, however, please note that comments sent by electronic mail are strongly encouraged.

• Email comments to:  
[reg.review@nigc.gov](mailto:reg.review@nigc.gov).

• Mail comments to: National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005.

• *Hand deliver comments to:* 1441 L Street NW., Suite 9100, Washington, DC 20005.

• *Fax comments to:* National Indian Gaming Commission at 202-632-0045.

**FOR FURTHER INFORMATION CONTACT:**

Michael Hoenig, Senior Attorney, National Indian Gaming Commission, 1441 L Street NW, Suite 9100 Washington, DC 20005. Telephone: 202-632-7009; email: [reg.review@nigc.gov](mailto:reg.review@nigc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Comments Invited**

Interested parties are invited to participate in this Notice of Proposed Rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal.

**II. Background**

The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, was signed into law on October 17, 1988. The Act establishes the NIGC and sets out a comprehensive framework for the regulation of gaming on Indian lands. On September 21, 2012, the NIGC published a final rule in the **Federal Register** called *Minimum Technical Standards for Class II Gaming Systems and Equipment*. 77 FR 58473. The standards are designed to assist tribal gaming regulatory authorities and operators with ensuring the integrity and security of Class II gaming, the accountability of Class II gaming revenue, and provide guidance to equipment manufacturers and distributors of Class II gaming systems.

On November 18, 2010, the NIGC issued a Notice of Inquiry and Notice of Consultation advising the public that the NIGC has endeavored to conduct a comprehensive review of its regulations and requesting public comment on which were most in need of revision, in what order the Commission should review its regulations, and the process NIGC should utilize to make revisions. 75 FR 70680. On April 4, 2011, after consulting with tribes and reviewing all comments, the NIGC published a Notice of Regulatory Review Schedule (NRR) setting out a consultation schedule and process for review. 76 FR 18457. Part 547 was included in the third regulatory group reviewed pursuant to the NRR.

Section 547.5(e)(5) of the final rule states that the Part does not apply to a charitable gaming operation provided that, among other things, the amount of

gross gaming revenue of the charitable gaming operation does not exceed \$1,000,000. This Notice of Proposed Rulemaking proposes to amend § 547.5(e)(5) to change that amount from \$1,000,000 to \$3,000,000.

At the same time the NIGC published the Minimum Technical Standards, it published Minimum Internal Control Standards for Class II Gaming (MICS). 77 FR 58707. Like the Technical Standards, the MICS exempt charitable gaming operations that earn less than a set threshold amount. The Commission increased that amount in the MICS from \$1,000,000 to \$3,000,000.

The Commission proposes to amend § 547.5(e)(5) of the Technical Standards to harmonize the charitable gaming exemptions in the Technical Standards and MICS and ensure that the exemption for a “charitable gaming operation” is consistent throughout the NIGC’s regulations.

### III. Regulatory Matters

#### *Regulatory Flexibility Act*

The proposed 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 proposed 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 proposed 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 proposed 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 proposed rule does not unduly burden the judicial system and meets the requirements of § 3(a) and 3(b)(2) of the Order.

#### *National Environmental Policy Act*

The Commission has determined that the proposed 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 25 CFR part 547 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 3141-0007.

#### **List of Subjects in 25 CFR Part 547**

Gambling; Indian—Indian lands; Indian—tribal government.

For the reasons set forth in the preamble, the Commission proposes to revise 25 CFR part 547 as follows:

#### **PART 547—MINIMUM TECHNICAL STANDARDS FOR CLASS II GAMING SYSTEMS AND EQUIPMENT**

■ 1. The authority citation for part 547 continues to read as follows:

**Authority:** 25 U.S.C. 2706(b).

■ 2. In § 547.5 paragraph (e)(5) is revised to read as follows:

#### **§ 547.5 How does a tribal government, TGRA, or tribal gaming operation comply with this part?**

\* \* \* \* \*

(e) \* \* \*

(5) The annual gross gaming revenue of the charitable gaming operation does not exceed \$3,000,000.

\* \* \* \* \*

**Tracie L. Stevens,**  
*Chairwoman.*

**Daniel J. Little,**

*Associate Commissioner.*

[FR Doc. 2013-03670 Filed 2-19-13; 8:45 am]

**BILLING CODE 7565-01-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[SPATS No.: KY-256-FOR] [Docket ID: OSM-2012-0014]

#### Kentucky Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Kentucky regulatory program (“the Kentucky program”) for surface coal mining and reclamation operations under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky has revised its bonding regulations to satisfy, in part, the concerns included in a letter from OSM dated May 1, 2012, regarding bonding inadequacies. On May 4, 2012, Kentucky adopted the revisions as emergency regulations to avoid possible loss of its authority to enforce the part of the Kentucky program that pertains to establishment of reclamation bond amounts. Also on May 4, 2012, identical proposed revisions started the normal review process in Kentucky for changes to administrative regulations. On September 28, 2012, the Department for Natural Resources (DNR), which is a part of Kentucky’s Energy and Environment Cabinet (EEC), submitted to OSM the administrative bonding regulations as proposed amendments to its approved permanent regulatory program.

**DATES:** We will accept electronic or written comments on the proposed rules until 4:00 p.m., Eastern Time March 22, 2013. If requested, we will hold a public hearing on March 18, 2013. We will accept requests to speak until 4:00 p.m., local time on March 7, 2013.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). The proposed rule has been assigned Docket ID: OSM-2012-0014. Please follow the online instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Mr. Robert S. Evans, Acting Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Please