

**§ 291.9 What must the Secretary do at the end of the 60-day comment period if the State offers an alternative proposal for Class III gaming procedures?**

Within 30 days of receiving the State's alternative proposal, the Secretary must appoint a mediator who:

- (a) Has no official, financial, or personal conflict of interest with respect to the issues in controversy; and
- (b) Must convene a process to resolve differences between the two proposals.

**§ 291.10 What is the role of the mediator appointed by the Secretary?**

(a) The mediator must ask the Indian tribe and the State to submit their last best proposal for Class III gaming procedures.

(b) After giving the Indian tribe and the State an opportunity to be heard and present information supporting their respective positions, the mediator must select from the two proposals the one that best comports with the terms of IGRA and any other applicable Federal law. The mediator must submit the proposal selected to the Indian tribe, the State, and the Secretary.

**§ 291.11 What must the Secretary do upon receiving the proposal selected by the mediator?**

Within 60 days of receiving the proposal selected by the mediator, the Secretary must do one of the following:

- (a) Notify the Indian tribe, the Governor and the Attorney General in writing of his/her decision to approve the proposal for Class III gaming procedures selected by the mediator; or
- (b) Notify the Indian tribe, the Governor and the Attorney General in writing of his/her decision to disapprove the proposal selected by the mediator for any of the following reasons:

- (1) The requirements of § 291.4 are not adequately addressed;
- (2) Gaming activities would not be conducted on Indian lands over which the Indian tribe has jurisdiction;
- (3) Contemplated gaming activities are not permitted in the State for any purpose by any person, organization, or entity;
- (4) The proposal is not consistent with relevant provisions of the laws of the State;
- (5) The proposal is not consistent with the trust obligations of the United States to the Indian tribe;
- (6) The proposal is not consistent with applicable provisions of IGRA; or
- (7) The proposal is not consistent with provisions of other applicable Federal laws.

(c) If the Secretary rejects the mediator's proposal under paragraph (b) of this section, he/she must prescribe

appropriate procedures within 60 days under which Class III gaming may take place that comport with the mediator's selected proposal as much as possible, the provisions of IGRA, and the relevant provisions of the laws of the State.

**§ 291.12 Who will monitor and enforce tribal compliance with the Class III gaming procedures?**

The Indian tribe and the State may have an agreement regarding monitoring and enforcement of tribal compliance with the Indian tribe's Class III gaming procedures. In addition, under existing law, the NIGC will monitor and enforce tribal compliance with the Indian tribe's Class III gaming procedures.

**§ 291.13 When do Class III gaming procedures for an Indian tribe become effective?**

Upon approval of Class III gaming procedures for the Indian tribe under either § 291.8(b), § 291.8(c), or § 291.11(a), the Indian tribe shall have 90 days in which to approve and execute the Secretarial procedures and forward its approval and execution to the Secretary, who shall publish notice of their approval in the **Federal Register**. The procedures take effect upon their publication in the **Federal Register**.

**§ 291.14 How can Class III gaming procedures approved by the Secretary be amended?**

An Indian tribe may ask the Secretary to amend approved Class III gaming procedures by submitting an amendment proposal to the Secretary. The Secretary must review the proposal by following the approval process for initial tribal proposals, except that the requirements of § 291.3 are not applicable and he/she may waive the requirements of § 291.4 to the extent they do not apply to the amendment request.

**§ 291.15 How long do Class III gaming procedures remain in effect?**

Class III gaming procedures remain in effect for the duration specified in the procedures or until amended pursuant to § 291.14.

Dated: April 1, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**32 CFR Part 863**

**Leasing U.S. Air Force Aircraft and Related Equipment to Nongovernment Organizations**

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule; removal.

**SUMMARY:** The Department of the Air Force is amending the Code of Federal Regulations (CFR) by removing its rule on Leasing U.S. Air Force Aircraft and Related Equipment to Nongovernmental Organizations. This rule is removed, as the current information contained in it does not reflect current policy of AFI 64-103, May 1997.

**EFFECTIVE DATE:** April 7, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eric Kattner, Headquarters, U.S. Air Force, SAF/AQCP, 1500 Wilson Blvd., 7th Floor, Arlington, VA 22209-2404, (703) 588-7059.

**List of Subjects in 32 CFR Part 863 Aircraft, Government Property**

**PART 863—[REMOVED]**

Accordingly, and under the authority of 10 U.S.C. 2667, 32 CFR, Chapter VII is amended by removing Part 863.

**Carolyn A. Lunsford,**

*Air Force Federal Register Liaison Officer.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[WA 68-7143-a; FRL-6322-5]

**Approval and Promulgation of Implementation Plans: Washington**

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

**SUMMARY:** Environmental Protection Agency (EPA) approves the revisions to the Washington State Implementation Plan (SIP) submitted by the Washington Department of Ecology on March 2, 1999 amending two portions of the Spokane County Air Pollution Control Agency's (SCAPCA) Regulation I, Article IV. The revisions to the SIP for the Spokane particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10) nonattainment area simply adds a