

contact with, or control over, Indian children has been found guilty of, or entered a plea of *nolo contendere* or guilty to, any offense under Federal, State or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons. See 25 U.S.C. 3201(b) and 3207. This was the first Federal statute to authorize background investigations by tribes and tribal organizations and mandate screening standards for the Bureau of Indian Affairs, as well as tribes and tribal organizations that receive funds under the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988.

The following day, the Crime Control Act of 1990, Pub. L. 101-647, 42 U.S.C. § 13041, was enacted. It authorized Federal agencies and facilities operated by the Federal Government or operated under contract with the Federal Government to conduct criminal history background checks for individuals providing child care services. It provides that an individual who has been convicted of a sex crime, an offense involving a child victim, or a drug felony may be denied employment for or dismissed from a child care services position. This is in contrast to the absolute prohibition in Pub. L. 101-630, that is cited above. Pub. L. 101-647 further provides that conviction for a crime other than a sex crime may be considered if it bears on an individual's fitness to have responsibility for the safety and well-being of children. See 42 U.S.C. 13041(c).

The Bureau conducted extensive consultation with tribes and Indian organizations prior to and following the publication of the proposed rule. The regulations were intended to describe the process for determining suitability for positions with duties and responsibilities involving regular contact with, or control over, Indian children, including the standards set forth in 5 CFR part 731, the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act. Section 63.19 currently reads:

(a) An employer may deny employment or dismiss an employee when an individual has been found guilty of or entered a plea of guilty or *nolo contendere* to any Federal, state or tribal offense involving a crime of violence, sexual assault, sexual molestation, child exploitation, sexual contact, prostitution, or crimes against persons.

(b) An employer may deny employment or dismiss an employee when an individual has been convicted of an offense involving a child victim,

a sex crime, or a drug felony. Paragraph (a) refers to the requirements of the Indian Child Protection and Family Violence Prevention Act, while subsection (b) refers to the Crime Control Act. While the screening requirements in Section 408 of the Indian Child Protection and Family Violence Prevention Act [25 U.S.C. 3207(a)], are clearly not permissive, the Bureau's regulations imply that its practice and application are. In fact, when the Bureau determines the suitability of volunteers for, selectees to, and employees in positions with duties and responsibilities involving regular contact with or control over Indian children, the standard in Section 408 (25 U.S.C. 3207) serves as a permanent statutory bar to employment as contemplated by the Indian Child Protection and Family Violence Prevention Act, Office of Personnel Management Suitability requirements found at 5 CFR 731.202, and the Office of Indian Education Programs Suitability Disqualifications found at 62 BIAM 11.36(A)(7). Based upon a finding of guilt or a plea of *nolo contendere* or guilty to any offense under Federal, State or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons, volunteers, selectees and employees have been determined unsuitable for Public Trust positions with duties and responsibilities involving regular contact with or control over Indian children.

Although these individuals may be determined suitable for Federal employment under 5 CFR part 731, a suitability determination under the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. 3207, serves as a statutory bar to employment with the Office of Indian Education Programs, Social Services, and with few exceptions, the Office of Law Enforcement Services. Such positions include not only teachers, social workers, and law enforcement officers and investigators, but cooks, custodians, bus drivers, correctional personnel, and volunteers as well. In addition, the same standard is applied to Bureau facilities management personnel if their duties and responsibilities include the provision of services to schools or housing and other programs where children may be present.

The Bureau now proposes to correct this obvious error and to clarify that other convictions may be considered when determining suitability for employment if they bear on the question of whether an individual is fit to have

responsibility for the safety and well-being of children.

Need for Correction

As published, the final rules contain errors which may prove misleading and are in need of correction.

List of Subjects in 25 CFR Part 63

American Indians, Alaska Natives, Children, Child Care, Employment.

Accordingly, 25 CFR part 63 is corrected by making the following correcting amendment.

PART 63—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION

1. The authority citation for 25 CFR part 63 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 200, 3201 *et seq.*; 42 U.S.C. 13041.

§ 63.19 [Amended]

2. In § 63.19, paragraph (a), in the first sentence, the word "may" is changed to "must."

Dated: November 22, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99-30959 Filed 11-29-99; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202 and 206

RIN 1010-AB57

Amendments to Gas Valuation Regulations for Indian Leases—Additional Information Related to Valuing Indian Gas Produced From Leases Located in Index Zones

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of Eligible Index Zones.

SUMMARY: On August 10, 1999, MMS published a final rule titled "Amendments to Gas Valuation Regulations for Indian Leases," (64 FR 43506) with an effective date of January 1, 2000. The gas regulations apply to all gas production from Indian (tribal or allotted) oil and gas leases (except leases on the Osage Indian Reservation). The new regulations resulted from a negotiated rulemaking between Indian tribes and allottees, oil and gas industry, and Government. The rule requires that MMS publish additional information related to valuing Indian gas produced from leases located in index zones. This document lists: the Index Zones Eligible

for the Index-Based Valuation Method; the Acceptable Publications and Indices to Use for the Index-Based Method; the lease prefixes associated with each MMS-Designated Area; and the new MMS-Designated Areas.

EFFECTIVE DATE: January 1, 2000.

ADDRESSES: Address all comments concerning this document to David S. Guzy, Chief, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado, 80225-0165.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff; telephone (303) 231-3432; FAX, (303) 231-3385; E-mail David.Guzy@mms.gov; mailing address, Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado, 80225-0165.

SUPPLEMENTARY INFORMATION: The intent of the amendments to the valuation regulations is to ensure that Indian mineral lessors receive the maximum

revenues from mineral resources on their land consistent with the Secretary of the Interior's (Secretary) trust responsibility and lease terms. It is also our desire to improve the regulatory framework so that information is available which would permit lessees to comply with the regulatory requirements at the time that royalties are due.

Under the rule, the lessee will determine the value of gas production based upon whether the gas is produced from an index zone or not produced from an index zone. MMS defines an index zone as a field or area with an active spot market and published indices applicable to that field or area that are acceptable to MMS.

The rule requires that MMS publish the following: the index zones that are eligible for the index-based valuation method; leases that MMS excluded from index-based valuation; and any index zones that MMS disqualified. If market conditions change so that an index-

based method for determining value is no longer appropriate for an index zone, MMS will hold a technical conference to consider disqualification of an index zone. Under the rule, if an index is disqualified, then production from leases under that index zone cannot be valued under the index-based valuation method. At this time, MMS has not disqualified any index zones.

The rule also requires that MMS periodically publish a list of MMS-approved publications and indices to use in computing the index-based formula price and the lease prefixes associated with each MMS-designated area (including any new MMS-designated areas.) MMS will publish future notices in the **Federal Register** announcing any changes to the index zones, changes to the acceptable publications and indices, and any new MMS-designated areas.

Table No. 1 below provides a list of the index zones that are *eligible* for the index-based valuation method.

TABLE NO. 1.—MMS-DESIGNATED AREAS AND INDEX ZONES

| MMS-Designated areas | Index zones |
|--|--------------------------|
| Unitah and Ouray Reservation | Central Rocky Mountains |
| Alabama-Coushatta | East Texas |
| Wind River Reservation | Northern Rocky Mountains |
| Jicarilla Apache Reservation, Navajo Reservation, Southern Ute Reservation, Ute Mountain Ute Reservation. | San Juan Basin |
| Counties: Alfalfa, Beaver, Cimarron, Cleveland, Creek, Garfield, Grant, Harper, Kay, Lincoln, Noble, Nowata, Oklahoma, Pawnee, Payne, Pottawatomie, Rogers, Texas, Tulsa, Washington, Woods. | Oklahoma-Zone 1. |
| Counties: Beckham, Blaine, Caddo, Canadian, Comanche, Cotton, Custer, Dewey, Ellis, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kingfisher, Kiowa, Logan, Major, McClain, Roger Mills, Stephens, Tillman, Washita, Woodward | Oklahoma-Zone 2. |
| Counties: Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Craig, Delaware, Haskell, Hughes, Johnston, Latimer, Le Flore, Love, Marshall, Mayes, McCurtain, McIntosh, Murray, Muskogee, Okfuskee, Okmulgee, Ottawa, Pittsburg, Pontotoc, Pushmataha, Seminole, Sequoyah, Wagoner. | Oklahoma-Zone 3 |

Table No. 2 below contains the MMS-approved publications that establish index prices that accurately reflect the value of production in the field or area where the production occurs.

TABLE NO. 2.—MMS-APPROVED PUBLICATIONS

| MMS-approved publications | Which issue? | Which table? | Which spot gas prices? |
|--|--|--|---|
| Inside F.E.R.C.'s Gas Market Report. | Use the issue containing the spot gas prices for the first of the month. | Use the table labeled "Prices of Spot Gas Delivered to Pipelines". | Use the high end of the range of the applicable spot gas price. |
| Natural Gas Intelligence Weekly Gas Price Index. | Use the issue containing the Bidweek Range for the month. | Use the table labeled "Spot Gas Prices". | Use the high end of the range of the applicable Bidweek price. |

Under the rule, any publication may petition MMS to be added to the list of acceptable publications by writing to: Minerals Management Service, Royalty Valuation Division, P.O. Box 25165, Mail Stop 3150, Denver, Colorado 80225-0165.

As stated in 30 CFR 206.172 (64 FR 43517), an Indian tribe may ask MMS to exclude some or all of its leases from valuation under the index-based

valuation method. After consulting with the Bureau of Indian Affairs (BIA), MMS may also exclude any Indian allotted leases from valuation under the index-based valuation method. If MMS approves any requests for exclusion from an index zone, the lessee must value the production under the non-index-based valuation method.

Revenue analysis indicated that some Indian leases would receive less

revenue under the index methodology than under gross proceeds methodology. As a result of this analysis and after consulting with BIA, MMS excluded the Ute allotted leases in the Uintah and Ouray Reservation and the Navajo allotted leases in the Navajo Reservation from valuation under the index-based method. MMS also approved the Ute Indian Tribe's request to exclude the Ute Tribal leases in the Uintah and

Ouray Reservation from valuation under the index-based method.

Because of these exclusions, MMS also terminated the previously defined designated areas for Uintah and Ouray Reservation and the Navajo Reservation. MMS designated these two areas for royalty computation purposes in the August 10, 1999, final rule (64 FR 43506). Accordingly, we created the

following four new MMS-designated areas:

1. Ute Tribal Leases in the Uintah and Ouray Reservation;
2. Ute Allotted Leases in the Uintah and Ouray Reservation;
3. Navajo Tribal Leases in the Navajo Reservation; and
4. Navajo Allotted Leases in the Navajo Reservation.

Table No. 3 below contains the index zones with the associated MMS-designated areas and also includes the list of acceptable publications and the indices to use for the index-based valuation method. Lessees should use this table when calculating the value of gas produced from leases from an index zone.

TABLE NO. 3.—INDEX ZONES, MMS-DESIGNATED AREAS, AND INDICES

| Index zone | MMS-approved publications for index zones | | |
|---|---|---------------------------|--|
| | Inside FERC's | Natural gas intel. report | Spot gas prices |
| East Texas | X | | Natural Gas Pipeline Co. of America Louisiana Zone |
| Includes: Alabama-Coushatta | X | | Texas Eastern Transmission Corp. East Texas Zone South Texas Zone |
| | X | | Tennessee Gas Pipeline Co. Texas (zone 0) |
| | X | | Transcontinental Gas Pipe Line Corp. Zone 2 (pooling point) |
| | X | | Trunkline Gas Co. Texas |
| | | X | East Texas NGPL Texok Tennessee Texas Eastern E. TX Trunkline Houston Pipeline MidCon Texas |
| | | X | South Texas Florida Gas Zone 1 Texas Eastern S. TX Tennessee |
| Northern Rocky Mountains | X | | Colorado Interstate Gas Co. Rocky Mountains |
| Includes: Wind River Reservation | | X | Rocky Mountains CIG |
| San Juan Basin | X | | El Paso Natural Gas Co. San Juan Basin |
| Includes: Jicarilla Apache Reservation | | X | Rocky Mountains El Paso non-Bondad Transwestern San Juan |
| Navajo Tribal Leases in the Navajo Reservation | | | |
| Southern Ute Reservation | | | |
| Ute Mountain Ute Reservation | | | |
| Oklahoma—Zone 1 | | | |
| Includes the following counties: Alfalfa, Beaver, Cimarron, Cleveland, Creek, Garfield, Grant, Harper, Kay, Lincoln, Noble, Nowata, Oklahoma, Pawnee, Payne, Pottawatomie, Rogers, Texas, Tulsa, Washington, Woods. | X | | ANR Pipeline Co. Oklahoma Natural Gas Pipeline Co. of America Mid-Continent Zone |
| | X | | Northern Natural Gas Co. Texas, Oklahoma, Kansas |
| | X | | Panhandle Eastern Pipe Line Co. Texas, Oklahoma (mainline) |
| | X | | Reliant Energy Gas Transmission Co. West |
| | X | | Williams Gas Pipelines Central Inc. Texas, Oklahoma, Kansas |
| | | X | Mid-Continent ANR SW NGPL Mid-Continent Northern Natural Mid 10–13 Panhandle Eastern Enogex Reliant West (NorAm) Williams |

TABLE NO. 3.—INDEX ZONES, MMS-DESIGNATED AREAS, AND INDICES—Continued

| Index zone | MMS-approved publications for index zones | | |
|---|---|---------------------------|--|
| | Inside FERC's | Natural gas intel. report | Spot gas prices |
| Oklahoma—Zone 2 Includes the following counties: Beckham, Blaine, Caddo, Canadian, Comanche, Cotton, Custer, Dewey, Ellis, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kingfisher, Kiowa, Logan, Major, McClain, Roger Mills, Stephens, Tillman, Washita, Woodward. | X | | ANR Pipeline Co. Oklahoma |
| | X | | Natural Gas Pipeline Co. of America Mid-Continent Zone |
| | X | | Reliant Energy Gas Transmission Co. West |
| | X | | Northern Natural Gas Co. Texas, Oklahoma, Kansas |
| | X | | Panhandle Eastern Pipe Line Co. Texas, Oklahoma (mainline) |
| | X | | Williams Gas Pipelines Central Inc. Texas, Oklahoma, Kansas |
| | | X | Mid-Continent ANR SW NGPL Mid-Continent Reliant West (NorAm) Northern Natural Mid 10–13 Panhandle Eastern Enogex Williams |
| Oklahoma—Zone 3 Includes the following counties: Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Craig, Delaware, Haskell, Hughes, Johnston, Latimer, Le Flore, Love, Marshall, Mayes, McCurtain, McIntosh, Murray, Muskogee, Okfuskee, Okmulgee, Ottawa, Pittsburg, Pontotoc, Pushmataha, Seminole, Sequoyah, Wagoner. | X | | Natural Gas Pipeline Co. of America Texok Zone |
| | X | | Reliant Energy Gas Transmission Co. East |
| | X | | Williams Gas Pipelines Central Inc. Texas, Oklahoma, Kansas |
| | | X | East Texas NGPL Texok |
| | | X | Mid-Continent Reliant East (NorAm) Williams |

Most Indian lease terms require accounting for comparison (dual accounting) when gas produced from the lease is processed. Under the rule, the lessee may elect to perform actual dual accounting or alternative dual

accounting. The rule requires that MMS publish a list of the lease prefixes associated with each MMS-designated area for the purpose of the dual accounting election. The dual accounting election for a designated

area must apply to all of the lessee's Indian leases in that area.

Table No. 4 contains the lease prefixes and associated MMS-designated areas:

TABLE NO. 4.—LEASE PREFIXES AND MMS-DESIGNATED AREAS

| MMS-designated areas | Lease prefixes |
|--|--|
| Alabama-Coushatta | 615. |
| Blackfeet Reservation | 507, 512, 513, 514, 515, 517, 526. |
| Crow Reservation | 520, 619. |
| Fort Belknap | 538. |
| Fort Berthold | 528, 529, 540. |
| Fort Peck Reservation | 506, 523, 533, 536, 622. |
| Oklahoma Counties: | |
| Alfalfa, Beaver, Cimarron, Cleveland, Creek, Garfield, Grant, Harper, Kay, Lincoln, Noble, Nowata, Oklahoma, Pawnee, Payne, Pottawatomie, Rogers, Texas, Tulsa, Washington, Woods. | 503, 505, 510, 511, 518, 521, 601, 602, 607, 615, 714. |
| Oklahoma Counties: | |
| Beckham, Blaine, Caddo, Canadian, Comanche, Cotton, Custer, Dewey, Ellis, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kingfisher, Kiowa, Logan, Major, McClain, Roger Mills, Stephens, Tillman, Washita, Woodward. | 503, 505, 518, 601, 602, 607. |
| Oklahoma Counties: | |
| Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Craig, Delaware, Haskell, Hughes, Johnston, Latimer, Le Flore, Love, Marshall, Mayes, McCurtain, McIntosh, Murray, Muskogee, Okfushee, Okmulgee, Ottawa, Pittsburg, Pontotoc, Pushmataha, Seminole, Sequoyah, Wagoner. | 503, 505, 511, 601, 602, 607, 615. |
| Navajo Allotted Leases in the Navajo Reservation | 516, 525, 527, 621, 623. |
| Navajo Tribal Leases in the Navajo Reservation | 415, 516, 525, 527, 620, 621, 623. |

TABLE NO. 4.—LEASE PREFIXES AND MMS-DESIGNATED AREAS—Continued

| MMS-designated areas | Lease prefixes |
|---|--------------------------|
| Northern Cheyenne Reservation | None. |
| Rocky Boys Reservation | 053, 154, 537, 889. |
| Southern Ute Reservation | 519, 522, 524, 614, 750. |
| Turtle Mountain Reservation | 610. |
| Ute Mountain Ute Reservation | 519, 522, 524, 614, 750. |
| Ute Allotted Leases in the Uintah and Ouray Reservation | 509, 531, 532. |
| Ute Tribal Leases in the Uintah and Ouray Reservation | 509, 531, 532. |
| Wind River Reservation | 502, 535, 634. |

Dated: November 23, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 99-30991 Filed 11-29-99; 8:45 am]

BILLING CODE 4310-MR-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA073-7207A;A-1-FRL-6481-2]

Approval and Promulgation of Air Quality Implementation Plans; State of Massachusetts; Interim Final Determination That Massachusetts Has Corrected the Deficiencies of Its I/M SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: On September 27, 1999, EPA published in the **Federal Register** (64 FR 51937) a rulemaking action proposing approval of the Commonwealth of Massachusetts' motor vehicle inspection and maintenance (I/M) program, and in a separate action (64 FR 51943) proposing approval of rate-of-progress (ROP) plans as part of the State Implementation Plan (SIP), under Section 110 of the Clean Air Act (CAA). Elsewhere in today's **Federal Register** EPA is publishing a supplemental proposed rulemaking notice for comment clarifying the test method used in Massachusetts' I/M program, providing additional information on the emission reduction credit projected for the program, and explaining the impact on the ROP plans. Based on the proposed action, today's supplemental document, the commencement of I/M program roll-out on October 1, 1999, and the commitments made by the Commonwealth, including a commitment to fully enforce compliance with the I/M program as of December 15, 1999, EPA is making an interim final determination that the State will have more likely than not implemented an approvable enhanced

I/M program when it becomes effective on December 15, 1999. Today's action will, beginning on December 15, 1999, defer the application of the offset sanction that has been in effect since May 15, 1999, and the federal highway fund sanctions that take effect on November 15, 1999.

DATES: *Effective Date:* This rule is effective December 15, 1999. *Comments:* Written comments must be received on or before December 30, 1999. Public comments on this document are requested and, although this action will be effective on December 15, 1999, comments will be considered for appropriate subsequent action.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress St., Suite 1100, Boston, MA 02114-2023. Copies of the Commonwealth's submittal are available for public inspection during normal business hours, by appointment, at the above EPA address and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Peter X. Hagerty, (617) 918-1049.

SUPPLEMENTARY INFORMATION: On March 27, 1997 Massachusetts submitted an inspection and maintenance plan under the provisions of the National Highway Systems Designation Act. On July 14, 1997, EPA published in the **Federal Register** (62 FR 37506) an Interim Final Rule conditionally approving the I/M SIP submitted by the Commonwealth. The notice conditioned approval on start-up of the program by November 15, 1997 which was based on a commitment made by Massachusetts as part of the SIP submittal. That **Federal Register** notice also listed other elements of the I/M program for which Massachusetts was required to submit additional information. By means of a November 14, 1997, letter, EPA notified Massachusetts that EPA was converting the conditional approval of the

Massachusetts enhanced I/M SIP revision to a disapproval on November 15, 1997 due to the fact that the program was not starting on November 15, 1997. The letter triggered the 18-month time clock for the mandatory application of sanctions under section 179(a) of the CAA. Therefore, the Act's offset sanction applied beginning May 15, 1999 because Massachusetts still had no enhanced I/M program started or approved as part of its SIP.

In order to remedy that failure, on May 14, 1999, Massachusetts submitted a revision to its SIP for an enhanced I/M program to begin on October 1, 1999. Massachusetts in fact commenced operation of the program on October 1, 1999. Although the SIP revision provided for start-up of an enhanced I/M program, there were other elements of the I/M SIP identified in the September 27, 1999 **Federal Register** proposed approval which needed to be addressed prior to final action by EPA. These elements will be addressed by the contractor Massachusetts has retained to implement the program and are listed as work elements of the contractor's scope of services. Since the focus of Massachusetts and the contractor has been program start-up, these elements have not been addressed by the contractor to date. In response to EPA's September 27, 1999 proposed approval which describes the program elements Massachusetts must supplement, Massachusetts submitted a letter dated November 3, 1999 with a schedule for submitting these elements from January to March 2000. An additional letter dated November 15, 1999 informed EPA that Massachusetts has taken steps that ensure the I/M program will be fully enforced starting December 15, 1999. Additional information submitted in support of the Massachusetts I/M program is included in the contract with Keating Technologies signed January 28, 1999, Department of Environmental Protection (DEP) Regulations, chapter 310 CMR 60.02, Registry of Motor Vehicles Regulations, chapter 540 CMR 4.00-4.09, and administrative items,