

early 1980s. Evidence for this time is insufficient to show the existence or evolution of a community distinct from these rancherias and ancestral to the petitioner.

Finally, the evidence does not show the petitioner's membership functioning as a community from 1980 to the present. Petitioner #85 thus did not provide sufficient evidence to demonstrate that its members interact with each other, outside of the organization itself, or that there are significant social relationships within its membership and that its members are differentiated from, and identified as distinct from, nonmembers. A comparison of Petitioner #85's membership lists shows a high variability and turnover between 1986 and 1996, with the 2009 membership list reflecting a remnant of the 1996 membership. Such high variability or turnover is indicative of individuals or families recruited by the leadership from a population which has little other involvement in the petitioner's organization. This indication is further supported by interviewee accounts, and the fact that very few individuals who were not on successive membership lists joined Smith River Rancheria between 1991 and 1995, as some of the petitioner maintained. Petitioner #85 does not meet the requirements of criterion 83.7(b), based upon the materials submitted by the petitioner and developed by Department researchers during active consideration of this petition.

The evidence in the record is insufficient to demonstrate that Petitioner #85 meets the criterion 83.7(b), one of the seven mandatory criteria of the regulations for a determination that the petitioning group is an Indian tribe. In accordance with the regulations, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law (§ 83.6(d), § 83.10(m)). Therefore, the Department proposes to decline to acknowledge Petitioner #85 as an Indian tribe.

According to the Assistant Secretary—*Indian Affairs Office of Federal Acknowledgment; Guidance and Direction Regarding Internal Procedures* of May 23, 2008:

If during the evaluation of a petition on active consideration it becomes apparent that the petitioner fails on one criterion, or more, under the reasonable likelihood of the validity of the facts standard, OFA may prepare a proposed finding or final determination not to acknowledge the group on the failed criterion or criteria alone, setting forth the evidence, reasoning, and

analyses that form the basis for the proposed decision. (73 FR 30147)

The burden of providing sufficient evidence under the criteria in the regulations rests with the petitioner, 25 CFR 83.5(c). Because Petitioner #85 has not met criterion § 83.7(b) as a distinct community, it is not necessary for the Department to make conclusions regarding the other six mandatory criteria.

This proposed finding is based on the evidence currently in the record. Additional evidence may be submitted during the comment period that follows publication of this finding. If new evidence provided during the comment period results in a reversal of this conclusion, the Assistant Secretary—Indian Affairs will issue an amended proposed finding evaluating all seven criteria. (73 FR 30147)

Publication of the Assistant Secretary's PF in the **Federal Register** initiates a 180-day comment period during which the petitioner and interested and informed parties may submit arguments and evidence to support or rebut the conclusions in the PF (25 CFR 83.10(i)). Comments should be submitted in writing to the address listed in the **ADDRESSES** section of this notice. Interested or informed parties must provide copies of their submissions to the petitioner. The regulations at 25 CFR 83.10(k) provide petitioner with a minimum of 60 days to respond to any submissions on the PF received from interested and informed parties during the comment period.

At the end of the periods for comment and response on a PF, the Assistant Secretary will consult with the petitioner and interested parties to determine an equitable timeframe for consideration of written arguments and evidence. The Department will notify the petitioner and interested parties of the date such consideration begins. After consideration of the written arguments and evidence rebutting or supporting the PF and the petitioner's response to the comments of interested parties and informed parties, the Assistant Secretary will either issue an amended proposed finding or make a final determination regarding the petitioner's status. The Department will publish a summary of this determination in the **Federal Register**.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: November 18, 2010.

**George T. Skibine,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

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**BILLING CODE 4310-G1-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management, Regulation and Enforcement

#### Requirements for Measurement Facilities Used for the Royalty Valuation of Processed Natural Gas

**AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

**ACTION:** Notice summarizing the requirements of royalty measurement equipment at gas plants and other processing facilities.

**SUMMARY:** This notice provides information regarding the responsibilities of lessees, operators, and lessees' representatives with respect to the measurement of Federal production at gas processing plants when royalty is reported and paid on processed gas at or downstream of the plant tailgate under 30 CFR 1206.153. This equipment includes any metering, sampling, or recording devices associated with the measurement of inlet production, residue gas, fuel gas, flare gas, condensate, natural gas liquids, or any other products recovered from Federal production.

**DATES:** *Effective Date:* This notice becomes effective December 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have any questions regarding this **Federal Register** notice, please contact Mr. Kelly Johnson, Production Development Office, Gulf of Mexico, by telephone at (504) 736-2682 or by e-mail at [kelly.johnson@boemre.gov](mailto:kelly.johnson@boemre.gov). To obtain copies of the most recent gas plant inspection records in the Gulf of Mexico Region, please contact Ms. Kathy Bell at (504) 736-2838 or by e-mail at [kathy.bell@boemre.gov](mailto:kathy.bell@boemre.gov).

**SUPPLEMENTARY INFORMATION:**

The Code of Federal Regulations (CFR) at 30 CFR 1202.151(a)(1)(ii), pertaining to royalty on processed gas, provides that royalty must be paid on the value of "residue gas and all gas plant products resulting from processing the gas produced from a lease subject to this subpart." Since the measurement of production at gas plants and separation

facilities has a direct impact on royalty reported and paid under 30 CFR 1206.153, BOEMRE has begun to inspect measurement devices at plants and separation facilities that process production from Federal leases in the Gulf of Mexico Region for compliance with established standards governing gas and liquid hydrocarbon production measurement. We have recently completed the first phase of our inspection program and will share our findings with the operators of the measurement devices at these facilities. The findings will also be made available upon request to lessees and operators who may have interest in one or more specific gas plants. In the future, we will inspect these facilities again to determine if previously observed problems have been rectified.

The BOEMRE recognizes that royalty reporting on processed gas volumes at the tailgate of an onshore gas plant is a prevalent practice in the Gulf of Mexico. To better fulfill our statutory duty to accurately determine oil and gas volumes upon which royalties are determined, we issue this notice to remind lessees and operators of their obligations to ensure accurate measurement of processed gas for which royalty is reported under 30 CFR 1206.153.

The relevant regulations found in 30 CFR part 250, subpart L, impose responsibility for compliance with gas measurement rules on lessees, operators, and lessees' representatives, including lessees who process natural gas extracted from a Federal lease in the Gulf of Mexico Region at an onshore gas plant, separation facility, or other processing facility before paying royalties on said gas. To ensure accurate measurement of processed gas, lessees and operators are responsible for working with the operators of gas plants, separation facilities, or other processing facilities to ensure the maintenance, operation, and site security in accordance with the standards set forth in 30 CFR 250.1202, 250.1203, and 250.1205, of any measurement equipment, irrespective of location or ownership, used for the measurement of production from Federal leases.

Title 30 CFR 250.1203(e) provides:

If natural gas from a Federal lease on the OCS is transferred to a gas plant before royalty determination:

(1) You must provide the following to the Regional Supervisor upon request:

(i) A copy of the monthly gas processing plant allocation statement; and

(ii) Gross heating values of the inlet and residue streams when not reported on the gas plant statement.

(2) You must permit BOEMRE to inspect the measurement and sampling equipment of natural gas processing plants that process Federal production.

Accordingly, you are given notice that BOEMRE may request assistance from lessees or operators to gain access to any gas plant, separation facility, or other processing facility which initially denies access to BOEMRE inspection personnel, for the purpose of:

- Inspecting the measurement and sampling equipment of natural gas processing plants that process Federal production;
- Remediating, in a timely manner, any observed inconsistency with gas measurement and site security standards set forth in 30 CFR 250.1202, 250.1203, and 250.1205; and
- Maintaining onsite records and providing copies, when requested by BOEMRE, of monthly allocation statements, meter or tank run tickets, gas meter volume statements, meter proving reports, or other documentation related to gas measurement.

#### **Paperwork Reduction Act of 1995 Statement**

The collections of information referred to in this notice are contained in 30 CFR part 250 subpart L, 30 CFR part 212 subpart B, and 30 CFR part 1206 subpart D. The Office of Management and Budget has approved the information collection requirements in these regulations under Office of Management and Budget Control Numbers 1010-0051, 1010-0136, and 1010-0139. This notice does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.

**Authority:** 43 U.S.C. 1334.

Dated: October 22, 2010.

**Robert P. LaBelle,**

*Acting Associate Director for Offshore Energy and Minerals Management.*

Dated: October 22, 2010.

**Greg J. Gould,**

*Director, Office of Natural Resources Revenue.*

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Ocean Energy Management, Regulation and Enforcement**

#### **Outer Continental Shelf (OCS), Scientific Committee (SC)**

**AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

**ACTION:** Notice of Vacancies and Request for Nominations.

**SUMMARY:** BOEMRE seeks interested and qualified individuals to serve on its OCS SC during the period of June 24, 2011 through June 23, 2014. The initial 3-year term may be renewed for up to one additional term. The OCS SC is chartered under the Federal Advisory Committee Act (FACA) to advise the Secretary of the Interior through the Director of the BOEMRE on the appropriateness, feasibility, and scientific value of the OCS Environmental Studies Program (ESP) and environmental aspects of the offshore energy and marine minerals programs. The ESP, initiated to support the U.S. Department of the Interior's offshore oil and gas leasing program and authorized by the OCS Lands Act as amended (Section 20), is administered by the BOEMRE. The program covers a wide range of field and laboratory studies in biology, chemistry, and physical oceanography, as well as studies of the social and economic impacts of OCS energy and marine minerals development. Currently, the work is conducted through award of competitive contracts and interagency and cooperative agreements. The OCS SC reviews the relevance of the information being produced by the ESP and may recommend changes in its scope, direction, and emphasis.

The OCS SC comprises distinguished scientists in appropriate disciplines of the biological, physical, chemical, and socioeconomic sciences. Currently, the OCS SC has 15 vacancies in the following disciplines: Biological oceanography/marine biology; social science; marine archaeology; and physical oceanography. The selections are based on maintaining disciplinary expertise in all areas of research, as well as geographic balance. Demonstrated knowledge of the scientific issues related to OCS oil and gas development or renewable energy is essential. The Secretary of the Interior makes selections on the basis of these factors.

#### **Ethics Responsibilities of Members**

Members are appointed as special Government employees and are subject to the financial disclosure provisions of