

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

12. The authority citation for part 275 continues to read in part as follows:

**Authority:** 15 U.S.C. 80b–2(a)(11)(G), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, and 80b–11, unless otherwise noted.

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13. Amend § 275.204A–1, paragraph (e)(7) by removing the references to “4(6)” and “77d(6)” and adding in their places “4(5)” and “77d(5)”, respectively.

By the Commission.

Dated: January 25, 2011.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2011–1922 Filed 1–28–11; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

#### 30 CFR Part 1206

[Docket No. BOEM–2010–0062]

### Notice of Intent To Establish an Indian Oil Valuation Negotiated Rulemaking Committee

**AGENCY:** Office of Natural Resources Revenue (ONRR), Interior.

**ACTION:** Notice of intent; request for nominees and comments.

**SUMMARY:** The Office of Natural Resources Revenue (ONRR) is announcing its intent to establish an Indian Oil Valuation Negotiated Rulemaking Committee (Committee). The Committee will develop specific recommendations regarding proposed revisions to the existing regulations for oil production from Indian leases, especially the major portion valuation requirement. The Committee will include representatives of parties who would be affected by a final rule. The ONRR solicits comments on this initiative and requests interested parties to nominate representatives for membership on the Committee.

**DATES:** Submit nominations to the Committee or written comments on this notice on or before March 2, 2011

**ADDRESSES:** You may submit nominations to the Committee or comments on this notice by any of the following methods.

- Electronically go to <http://www.regulations.gov>. In the entry titled “Enter Keyword or ID,” enter BOEM–2010–0062, and then click search. Follow the instructions to submit public

comments or nominations. The ONRR will post all comments.

- Mail comments or nominations to Hyla Hurst, Regulatory Specialist, Office of Natural Resources Revenue, P.O. Box 25165, MS 61013B, Denver, Colorado 80225. Please reference the Docket No. BOEM–2010–0062 in your comments.

- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225. Please reference the Docket No. BOEM–2010–0062 in your comments.

**FOR FURTHER INFORMATION CONTACT:** John Barder, Western Audit and Compliance Management, ONRR; telephone (303) 231–3702; fax (303) 231–3473; e-mail to [John.Barder@onrr.gov](mailto:John.Barder@onrr.gov). *Mailing address:* Office of Natural Resources Revenue, Western Audit and Compliance Management, Denver B, P.O. Box 25165, MS 62220B, Denver, Colorado 80225–0165.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The existing rule for valuation of oil produced from Indian leases, codified at 30 CFR part 1206, subpart B, was published on January 15, 1988 (53 FR 1184), effective March 1, 1988. Since then, many changes have occurred in the oil market. Also, concerns have arisen about the need for revised valuation methodologies to address paragraph 3(c) of standard Indian oil and gas leases, such as the major portion analysis requirement for valuation of oil production from Indian leases.

The Minerals Revenue Management (MRM) division of the Minerals Management Service (MMS), now ONRR, published proposed rules for Indian oil valuation in February 1998 (63 FR 7089) and in January 2000 (65 FR 403). Each of these proposed rules was subsequently withdrawn because of market changes and the passage of time. In addition, eight public meetings were held during 2005 to consult with Indian tribes and individual Indian mineral owners and to obtain information from interested parties. Then a third proposed rule was published in February 2006 (71 FR 7453). Tribal and industry commenters on the 2006 proposed rule did not agree on most issues regarding oil valuation, and none of the commenters supported the major portion provisions.

The Royalty Policy Committee’s Indian Oil Valuation Subcommittee evaluated the 2006 proposed rule but was unable to reach consensus about how the Department should proceed. Thus, MRM (now ONRR) decided to

make only technical amendments to the existing Indian oil valuation regulations and to convene a negotiated rulemaking committee to make specific recommendations regarding the major portion provision. A final rule was published on December 17, 2007 (72 FR 71231), addressing the technical amendments. After publication of the final rule, MRM (now ONRR) started the process of forming the Indian Oil Valuation Negotiated Rulemaking Committee. However, the process was delayed because of the change in Administration. On June 8, 2010, the Secretary of the Interior signed a decision memorandum giving approval to go forward with establishing the Indian Oil Valuation Negotiated Rulemaking Committee.

##### II. Statutory Provisions

The Negotiated Rulemaking Act of 1996 (NRA) (5 U.S.C 561 *et seq.*); the Federal Advisory Committee Act (FACA) (5 U.S.C. Appendix 2, section 1 *et seq.*); the Indian Mineral Development Act of 1982 (25 U.S.C. 2101–2108); the Indian Mineral Leasing Act of 1938 (25 U.S.C. 396a–g); the Act of March 3, 1909 (25 U.S.C. 396); 25 CFR parts 211, 212; and 225; 30 CFR part 1206; and Indian oil and gas lease and agreement terms.

##### III. The Committee and Its Process

In a negotiated rulemaking, the provisions for a proposed rule are developed by a committee composed of representatives of government and the interests that will be significantly affected by the rule. Decisions are made by “consensus.”

“[C]onsensus” means unanimous concurrence among the interests represented on a negotiated rulemaking committee established under this subchapter, unless such committee (A) agrees to define such term to mean a general but not unanimous concurrence; or (B) agrees upon another specified definition.

5 U.S.C. 562(2) (A) and (B).

The negotiated rulemaking process is initiated by the agency’s identification of interests potentially affected by the rulemaking under consideration. By this notice, ONRR is soliciting comments on this action.

Following receipt of nominations or comments, ONRR will establish the Negotiated Rulemaking Committee representing the identified interests to develop the provisions of a proposed rule. The ONRR will be a member of the Committee to represent the Federal Government’s statutory mission. The Committee will be chaired by a facilitator. After the Committee reaches consensus on the provisions of a

proposed rule, as discussed in more detail below, ONRR will develop a proposed rule to be published in the **Federal Register**.

Under 30 U.S.C. 563, the head of the agency is required to determine that the use of the negotiated rulemaking procedure is in the public interest. In making such a determination, the agency head must consider certain factors. Taking these factors into account, ONRR has determined that a negotiated rulemaking is in the public interest because:

1. A rule is needed. Royalty payors have considerable difficulty in complying with the current regulations.

2. A limited number of identifiable interests will be significantly affected by the rule. Such interests are oil and gas companies who produce oil and pay royalties on Indian leases, and Indian tribes and individual Indian mineral owners who receive royalties from oil produced from Indian leases located on their lands.

3. There is a reasonable likelihood that the Committee can be convened with a balanced representation of persons who can adequately represent the interests discussed in item 2 above and who are willing to negotiate in good faith to attempt to reach a consensus on provisions of a proposed rule.

4. There is a reasonable likelihood that the Committee will reach consensus on a proposed rule within a fixed period of time. This objective was accomplished with the current Indian gas valuation regulations, which added certainty and simplicity through the negotiated rulemaking process.

5. The use of negotiated rulemaking will not unreasonably delay the development of a proposed rule because time limits will be placed on the negotiation. We anticipate that negotiation will expedite a proposed rule and ultimately the acceptance of a final rule.

6. The ONRR is making a commitment to ensure that the Committee has sufficient resources to complete its work in a timely fashion.

7. The ONRR, to the maximum extent possible and consistent with the legal obligations of the agency, will use consensus of the Committee as the basis for a proposed rule for public notice and comment.

#### **IV. Negotiated Rulemaking Procedures**

In compliance with FACA and NRA, ONRR will use the following procedures and guidelines for this negotiated rulemaking. The ONRR may modify them in response to comments received on this notice or during the negotiation process.

##### *A. Committee Formation*

The Committee will be formed and operated in full compliance with the requirements of FACA and NRA and specifically under the guidelines of its charter.

##### *B. Interests Involved*

The ONRR intends to ensure full and adequate representation of those interests that are expected to be significantly affected by the proposed rule. Under 30 U.S.C. 562(5), “‘interest’ means with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.” As discussed above, ONRR believes the interests significantly affected are oil and gas companies who produce oil and pay royalties on Indian leases, and Indian tribes and individual Indian mineral owners who receive royalties from oil produced from Indian leases located on their lands.

##### *C. Members*

The Committee should not exceed 25 members, and ONRR prefers 15. The ONRR will provide at least two members plus a facilitator. The facilitator will not count against the membership and will not be a voting member.

Responsibility for expenses is stated under 30 U.S.C. 568(c) as follows:

Members of a negotiated rulemaking committee shall be responsible for their own expenses of participation in such committee, except that an agency may, in accordance with section 7(d) of the Federal Advisory Committee Act, pay for a member's reasonable travel and per diem expenses, expenses to obtain technical assistance, and a reasonable rate of compensation, if—

(1) such member certifies a lack of adequate financial resources to participate in the committee; and

(2) the agency determines that such member's participation in the committee is necessary to assure an adequate representation of the member's interest.

Therefore, ONRR commits to pay the travel and per diem expenses of Committee members if appropriate under the NRA and Federal travel regulations.

##### *D. Request for Nominations*

The ONRR solicits nominations for appointment to membership on the Committee. Members can be individuals or representatives of organizations. An organization should identify the individual who will be its representative.

Committee members need to have authorization to negotiate on behalf of their interests and be willing to

negotiate in good faith. The ONRR interprets good faith to include a willingness to (1) bring all issues to the table; and (2) not to discuss the issues in other forums. Good faith also includes a willingness to move away from taking adversarial positions and instead to explore openly all relevant and productive ideas that may emerge from the discussion of the Committee.

Authorization for each application or nomination must include:

1. The name of the applicant or nominee and a description of the interests such person will represent;

2. A description of the person's qualifications and expertise regarding those interests;

3. A statement whether the participant will be seeking agency resources to participate on the Committee; and

4. A written commitment of the applicant or nominee to actively participate in good faith in the negotiated rulemaking and keep all issues at the table.

##### *E. Tentative Schedule*

If ONRR publishes a notice establishing the Committee, after considering comments and applications submitted in response to this notice, it will publish a list of proposed members as a result of the nominations received from this notice, a solicitation for comments on the proposed membership of the Committee, and an explanation of how a person may apply or nominate another person for membership. The notice establishing the Committee will also include a proposed agenda and schedule for completing the work of the Committee, including a target date for publication by the agency of a proposed rule for notice and comment. Further, the notice establishing the Committee will include a description of administrative support for the committee to be provided by ONRR, including technical assistance. The Committee will agree on dates, times, and locations of meetings. The ONRR plans to terminate the Committee if it does not reach consensus on the provisions of a proposed rule within 24 months of the first meeting. The Committee may end earlier upon the promulgation of the final rule under consideration, or if the ONRR, after consulting with the Committee, or the Committee itself specifies an earlier termination date.

#### **V. Request for Nominations and Comments**

To comply with negotiated rulemaking procedures, ONRR invites written comments on this initiative and

nominations for the negotiated rulemaking Committee. Written comments are specifically requested on the suitability of using the negotiated rulemaking procedure to develop a proposed valuation rule for oil production from Indian leases. Nominations are for all interests that could be affected by an Indian oil valuation rulemaking and must comply with paragraph IV. D., Request for Nominations, of this notice. All nominations and written comments must be sent to an appropriate address as listed in the **ADDRESSES** section of this notice.

#### Certification

For the above reasons, I hereby certify that the Indian Oil Valuation Negotiated Rulemaking Committee is in the public interest.

Dated: January 25, 2011.

**Ken Salazar,**

*Secretary, Department of the Interior.*

[FR Doc. 2011-2103 Filed 1-28-11; 8:45 am]

**BILLING CODE 4310-MR-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2010-0860; FRL-9249-4]

**Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Placer County Air Pollution Control District, Antelope Valley Air Quality Management District, and Ventura County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Santa Barbara Air Pollution Control District (SBAPCD), Placer County Air Pollution Control District (PCAPCD), Antelope Valley Air Quality Management District (AVAQMD), and Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from gasoline bulk plants, terminals and vehicle dispensing facilities. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by March 2, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2010-0860, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** David Grounds, EPA Region IX, (415) 972-3019, [grounds.david@epa.gov](mailto:grounds.david@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: VCAPCD Rule 70, AVAQMD Rule 461, PCAPCD Rule 215, and SBAPCD Rule 316. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions

are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 21, 2010.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2011-1923 Filed 1-28-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[EPA-HQ-OAR-2008-0558; FRL9260-8]

RIN 2060-AP17

**Regulation of Fuel and Fuel Additives: Alternative Test Method for Olefins in Gasoline**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to allow refiners and laboratories to use an alternative test method for olefin content in gasoline. This proposed rule will provide flexibility to the regulated community by allowing an additional test method for compliance measurement while maintaining environmental benefits achieved from our fuels programs.

**DATES:** Comments or a request for a public hearing must be received on or before March 2, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2008-0558, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).
- *Fax:* (202) 566-9744.
- *Mail:* "EPA-HQ-OAR-2008-0558, Environmental Protection Agency,