

The Commission published the Position Limits Proposal and the Aggregation Proposal separately because it believes that the proposed amendments regarding aggregation of positions could be appropriate regardless of whether the Position Limits Proposal is finalized.<sup>8</sup> If the Aggregation Proposal is finalized first, the modifications would apply to the current position limits regime for futures and option contracts on nine enumerated agricultural commodities. If the Position Limits Proposal is subsequently finalized, the modifications in the Aggregation Proposal would apply to the position limits regime for 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts.

In order to provide interested parties with an opportunity to comment on the Aggregation Proposal during the comment period on the Position Limits Proposal, the Commission extended the comment period for the Aggregation Proposal to February 10, 2014, the same end date as the comment period for the Position Limits Proposal.<sup>9</sup>

Subsequent to publication of the Position Limits Proposal and the Aggregation Proposal, the Commission directed staff to schedule a June 19, 2014, public roundtable to consider certain issues regarding position limits for physical commodity derivatives. The roundtable focused on hedges of a physical commodity by a commercial enterprise, including gross hedging, cross-commodity hedging, anticipatory hedging, and the process for obtaining a non-enumerated exemption. Discussion included the setting of spot month limits in physical-delivery and cash-settled contracts and a conditional spot-month limit exemption. Further, the roundtable included discussion of: The aggregation exemption for certain ownership interests of greater than 50 percent in an owned entity; and aggregation based on substantially identical trading strategies. As well, the Commission invited comment on whether to provide parity for wheat contracts in non-spot month limits. In conjunction with the roundtable, staff questions regarding these topics were posted on the Commission's Web site.

To provide commenters with a sufficient period of time to respond to questions raised and points made at the roundtable, the Commission published a document in the **Federal Register** on May 29, 2014, reopening the comment

periods for the Position Limit Proposal and the Aggregation Proposal for three weeks, from June 12, 2014 to July 3, 2014. The Commission published notice in the **Federal Register** on July 3, 2014, further extending the comment periods to August 4, 2014.

Comment letters received on the Position Limits Proposal are available at <http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1436>. Comment letters received on the Aggregation Proposal are available at <http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1427>.

## II. Reopening of Comment Period

The Commission's Agricultural Advisory Committee met on December 9, 2014. The agenda adopted for the meeting included consideration, among other matters, of two issues associated with the Position Limits rulemaking: Deliverable supply and exemptions for bona fide hedging positions. In conjunction with the meeting of the Commission's Agricultural Advisory Committee, the Commission posted questions and presentation materials on the Commission's Web site; additionally, access to a video webcast of the meeting has been added to the Web site.<sup>10</sup> To provide interested persons with a sufficient period of time to respond to questions raised and points made at the Agricultural Advisory Committee meeting, the Commission reopened both the Position Limit Proposal and the Aggregation Proposal for an additional 45-day comment period.<sup>11</sup> The Commission is providing notice and clarification that, in addition to commenting on the agenda issues noted in the December 4, 2014, **Federal Register** release providing notice of the reopened comment period, comments may be made on the issues addressed at the meeting or in associated materials posted to the Commission's Web site, as they pertain to agricultural commodities, including hedges of a physical commodity by a commercial enterprise; and the process for estimating deliverable supplies used in the setting of spot month limits, as each pertains to agricultural commodities.

Both comment periods reopened on December 9, 2014, and will close on January 22, 2015.

<sup>10</sup> Questions, presentation materials, and a video webcast have been made available at [http://www.cftc.gov/PressRoom/Events/opaevent\\_aac120914](http://www.cftc.gov/PressRoom/Events/opaevent_aac120914).

<sup>11</sup> See 79 FR 71973 (Dec. 4, 2014).

Issued in Washington, DC, on December 30, 2014, by the Commission.

**Christopher J. Kirkpatrick,**  
*Secretary of the Commission.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

### Appendix to Position Limits for Derivatives and Aggregation of Positions Reopening of Comment Periods—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Wetjen, Bowen, and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2014-30831 Filed 1-2-15; 8:45 am]

BILLING CODE 6351-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2013-0780; FRL-9921-27-Region-5]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Minor NSR for Title V and FESOP Sources

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of revisions to Indiana's minor new source review construction permit rule. The rule applies to construction of new units or modifications of existing units at sources subject to title V and Federal enforceable state operating permit requirements. If approved, this rule will replace the previous state implementation plan (SIP) minor source construction permit rule for Indiana.

**DATES:** Comments must be received on or before February 4, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2013-0780, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: [damico.genevieve@epa.gov](mailto:damico.genevieve@epa.gov).

3. *Fax*: (312) 385-5501.

4. *Mail*: Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

<sup>8</sup> See *id.* at 68947.

<sup>9</sup> See 79 FR 2394 (Jan. 14, 2014).

Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R05-OAR-2013-0780. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We

recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886-3189 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3189, [portanova.sam@epa.gov](mailto:portanova.sam@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

- I. What should I consider as I prepare my comments for EPA?
- II. What is being addressed in this document?
- III. What are the changes that EPA is approving?
- IV. What action is EPA taking?
- V. Statutory and Executive Order Reviews.

#### **I. What should I consider as I prepare my comments for EPA?**

When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions—EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

#### **II. What is being addressed in this document?**

On November 7, 2013, the Indiana Department of Environmental Management (IDEM) submitted a SIP revision request to EPA for minor new source review (NSR) construction permit rules. EPA last approved Indiana's minor construction permit rules (326 IAC 2-1) on October 7, 1994 (59 FR 51108). In this action, EPA is

approving amendments to 326 IAC 2-7-10.5(a), (c) through (j), (l), and (m), and to 326 IAC 2-8-11.1 as revisions to Indiana's SIP. These provisions do not apply to permitting actions that trigger major prevention of significant deterioration (PSD) or nonattainment NSR requirements. 326 IAC 2-7-10.5 and 326 IAC 2-8-11.1 replace 326 IAC 2-1, which has been repealed in the state rules, as the minor NSR construction permit rules in the Indiana SIP.

#### **III. What are the changes that EPA is approving?**

326 IAC 2-7-10.5 is Indiana's minor source construction permit rule for sources that are subject to the title V operating permit program. 326 IAC 2-8-11.1 is Indiana's minor source construction permit rule for sources that are subject to the Federally enforceable state operating permit (FESOP) program. The requirements and emission thresholds under these two rules are essentially the same and we are providing one summary below that covers both rules. These rules apply to permitting actions that are not subject to PSD or nonattainment NSR. Any permit modification that exceeds the PSD or nonattainment NSR thresholds in 326 IAC 2-2 and 326 IAC 2-3 continues to be subject to the requirements of those rules.

Pursuant to 326 IAC 2-7-10.5(e) or 326 IAC 2-8-11.1(d), a permitting action is subject to the minor modification requirements of this rule if it has a potential to emit (PTE) greater than or equal to the following: 5 tons per year (tpy) of particulate matter (PM), PM less than 10 microns in size (PM<sub>10</sub>), PM less than 2.5 microns in size (PM<sub>2.5</sub>), hydrogen sulfide (H<sub>2</sub>S), total reduced sulfur (TRS), reduced sulfur compounds, or fluorides; 10 tpy of sulfur dioxide (SO<sub>2</sub>), nitrogen oxide (NO<sub>x</sub>), or volatile organic compounds (VOC); 25 tpy of carbon monoxide (CO); or 0.2 tpy of lead. For VOC emissions, the minor modification requirements apply if the PTE is greater than or equal to 5 tpy for modifications that require the use of air pollution control equipment to comply with the provisions of 326 IAC 8.

For permitting actions that meet the criteria for minor modification under this rule, the source is required to submit a permit application to IDEM pursuant to 326 IAC 2-7-10.5(d) or 326 IAC 2-8-11.1 (c). Pursuant to 326 IAC 2-7-10.5(f) or 326 IAC 2-8-11.1(e), within 45 days of receipt of the application, IDEM shall approve the request, deny the request, determine that the request would cause or

contribute to a violation of a national ambient air quality standard (NAAQS) or a PSD increment standard, or determine that the request is subject to the significant modification provisions of this rule.

Pursuant to 326 IAC 2-7-10.5(g) or 326 IAC 2-8-11.1(f)(1), a permitting action is subject to the significant modification requirements if it has a PTE greater than or equal to 100 tpy of CO or 25 tpy of PM, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>, VOC, H<sub>2</sub>S, TRS, reduced sulfur compounds, or fluorides. For lead, the significant modification requirements apply for any modification with a PTE greater than or equal to 1 tpy. If the entire source has a lead PTE of greater than or equal to 5 tpy, the significant modification requirements apply for a modification with a lead PTE greater than 0.6 tpy.

In addition to the requirements for a minor modification, 326 IAC 2-7-10.5(h) and 326 IAC 2-8-11.1(f)(2) require a permitting action that meets the criteria for a significant modification under this rule to go through public notice prior to permit issuance pursuant to 326 IAC 2-1.1-6 (which EPA approved into Indiana's SIP on March 3, 2003 (68 FR 9892)). Public notice requirements for significant permit revisions under 326 IAC 2-8-11.1 are conducted pursuant to 326 IAC 2-8-13 (which EPA approved into Indiana's SIP on August 18, 1995 (60 FR 43008)). This satisfies the public notice requirements for minor construction permits in 40 CFR 51.161.

The significant modification emission thresholds for pollutants other than CO are the same as those contained in Indiana's existing SIP-approved minor NSR rules. The 100 tpy CO emission threshold for significant modifications, however, is less stringent than the 25 tpy applicability threshold in the existing SIP-approved Indiana minor NSR rules. IDEM included an analysis in the November 7, 2013, SIP submittal to EPA demonstrating that the 100 tpy threshold is protective of the CO NAAQS. In the analysis, IDEM reviewed CO point source emissions and ambient air monitoring data from 2000 through 2012. IDEM selected recent PSD sources for modeling at 100 tpy with the modeled results compared to the 1-hour and 8-hour CO significant impact levels (SILs). The modeling results showed no exceedances of either the 1-hour or 8-hour CO SILs. Existing CO monitors in Indiana show ambient values well below the NAAQS. As a result, IDEM has shown that ambient air quality will remain well below the NAAQS, even with the addition of sources that emit CO at 100 tpy. Indiana's analysis of the

CO threshold satisfies 40 CFR 51.160(e), which requires states to identify sources that will be subject to minor construction permit provisions and discuss the basis for determining which sources will be subject to review. EPA proposes approval of the minor and significant modification thresholds in 326 IAC 2-7-10.5 and 326 IAC 2-8-11.1.

326 IAC 2-7-10.5(c) and 326 IAC 2-8-11.1(b) allow sources to repair or replace an emission unit or air pollution control equipment without prior approval. To qualify for this provision, a modification must meet the following criteria: (1) The PTE of each regulated pollutant after the modification is less than or equal to the PTE of the unit that was repaired or replaced; (2) the modification is not major under 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1;<sup>1</sup> and (3) the modification returns the unit to normal operation after an upset, malfunction, or mechanical failure or prevents impeding and imminent failure of the unit. Item 2 above means any action that would trigger major PSD, nonattainment NSR, or hazardous pollutant requirements under Section 112(g) of the Clean Air Act (CAA) is not eligible for this provision. Since sources must meet all three of the criteria listed above in order to qualify for the repair or replacement provision, EPA believes that these criteria sufficiently narrow the universe of modifications that are eligible. EPA proposes approval of 326 IAC 2-7-10.5(c) and 326 IAC 2-8-11.1(b).

326 IAC 2-7-10.5(b) and (k) address provisions for incorporating terms from Federal consent decrees and Federal district court orders into construction permits. EPA previously approved these portions of 326 IAC 2-7-10.5 into Indiana's SIP on January 17, 2014 (79 FR 3120).

#### IV. What action is EPA taking?

EPA is proposing to approve Indiana's minor source construction permit rule in 326 IAC 2-7-10.5(a), (c) through (j), (l), and (m), and 326 IAC 2-8-11.1. EPA has determined that the emission thresholds and permitting requirements discussed above satisfy the requirements of 40 CFR 51.160 and 51.161. EPA is not proposing action on 326 IAC 2-7-10.5(b) and (k) because these portions of the state's rule have already been approved into Indiana's SIP.

<sup>1</sup> 326 IAC 2-4.1 is IDEM's regulation implementing the requirements of Section 112(g) of the Clean Air Act for sources with hazardous air pollutant (HAP) emissions above 10 tpy for a single HAP or 25 tpy for a combination of HAPs.

#### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as

specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 22, 2014.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2014-30832 Filed 1-2-15; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Part 105

Docket No. USCG-2014-0195]

RIN 1625-AC18

#### Commercial Fishing Vessels Dispensing Petroleum Products

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking; notice of reopening of comment period.

**SUMMARY:** The Coast Guard is reopening the public comment period on the notice of proposed rulemaking (NPRM) entitled "Commercial Fishing Vessels Dispensing Petroleum Products," published in the **Federal Register** on August 20, 2014. The notice of proposed rulemaking included an incorrect docket number, USCG-2013-0195, and has been reopened with the correct docket number, USCG-2014-0195, to facilitate public comment.

**DATES:** Comments and related material must be submitted online via <http://www.regulations.gov>, or reach the Docket Management Facility, on or before February 4, 2015.

**ADDRESSES:** You may submit comments identified by docket number USCG-2014-0195 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Jack Kemerer, Fishing Vessel Safety Division (CG-CVC-3), Office of Commercial Vessel Compliance (CVC), U.S. Coast Guard; telephone 202-372-1249, email [Jack.A.Kemerer@uscg.mil](mailto:Jack.A.Kemerer@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### A. Public Participation and Request for Comments

We encourage you to submit comments and related material on the notice of proposed rulemaking. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

*Submitting comments:* If you submit a comment, please include the docket number for this notice (USCG-2014-0195) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2014-0195" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change this proposed rule based on your comments.

##### B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2014-0195" and click "Search." Click the "Open Docket Folder" in the "Actions" column. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

##### C. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).