

TABLE 1—NOMINAL COSTS AND BENEFITS (2012–2023), PASSENGER OPERATIONS  
[2011 \$Millions]

	Original RIA	Initial SRIA	Final SRIA
Total Benefits—Base Case .....	\$376	\$401	\$401
Total Benefits—High Case .....	716	757	757
Total Costs .....	390	457	462

TABLE 2—NOMINAL COSTS AND BENEFITS (2012–2023), CARGO OPERATIONS  
[2011 \$Millions]

	Original RIA	Initial SRIA	Final SRIA
Total Benefits—Base Case .....	\$20.35	\$5	\$3
Total Benefits—High Case .....	32.55	31	10
Total Costs .....	306	550	452

The Final SRIA results in data that provides justification for the exclusion of cargo operations from the final rule, and continues to provide justification for the final rule on passenger operations.<sup>29</sup> As discussed above, the FAA is not only required by Executive Orders 12866 and 13563 to consider the costs and benefits of making compliance with this flight, duty, and rest rule mandatory for all-cargo operations, but Congress specifically permitted FAA to consider “[a]ny other matters the Administrator considers appropriate.”<sup>30</sup> Because the costs of mandating all-cargo-operation compliance significantly exceed the benefits of doing so, the FAA has determined that no revisions to the final rule are warranted.

Issued on December 3, 2014.

**Mark W. Bury,**

*Assistant Chief Counsel for International Law, Legislation and Regulations.*

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**BILLING CODE P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

[Docket No. USCG–2014–0978]

### Drawbridge Operation Regulation; Upper Mississippi River, Dubuque, IA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulations.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, mile 579.9, at Dubuque, Iowa. The deviation is necessary to allow the bridge owner time to perform preventive maintenance that is essential to the continued safe operation of the drawbridge. Maintenance is scheduled in the winter when there is less impact on navigation, instead of scheduling work in the summer when river traffic increases. This deviation allows the bridge to open on signal if at least 24-hours advance notice is given. It further allows the bridge to remain closed for up to 72 hours in duration occasionally to replace larger components as long as 72-hours notice is given to the USCG District Eight Western Rivers Bridge Branch.

**DATES:** This deviation is effective from 5 p.m., December 15, 2014 until 9 a.m., March 1, 2015.

**ADDRESSES:** The docket for this deviation, (USCG–2014–0978) is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation. You may also visit 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone

314–269–2378, email [Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil). If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Chicago, Central & Pacific Railroad requested a temporary deviation for the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, mile 579.9, at Dubuque, Iowa to open on signal if at least 24-hours advance notice is given for 76 days from 5 p.m., December 15, 2014 until 9 a.m., March 1, 2015 for scheduled maintenance on the bridge. The deviation further allows the bridge to remain closed for up to 72 hours in duration occasionally to replace larger components as long as 72-hours notice is given to the USCG District Eight Western Rivers Bridge Branch.

The Illinois Central Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that the drawbridge shall open on signal.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer’s Lock No. 17 (Mile 437.1 UMR) and Lock No. 20 (Mile 343.2 UMR) from 7 a.m. January 5, 2015 until 12 p.m., March 6, 2015 will preclude any significant navigation demands for the drawspan opening. In addition, Army Corps Lock No. 12 (Mile 556.7 UMR) and Lock No. 13 (Mile 522.5 UMR) will be closed from 7:30 a.m. December 15, 2014 to 11:00 March 1, 2015.

The Illinois Central Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 19.9 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational

<sup>29</sup> The costs of the final rule for passenger operations are somewhat higher than the base case benefits estimate for those operations but well below the high case estimate.

We also note that saving just 85 lives in a 10 year period would cause this rule to be cost beneficial.

<sup>30</sup> Public Law 111–216, sec. 212(a)(2)(M).

watercraft and will not be significantly impacted. The drawbridge will open if at least 24-hours advance notice is given and will close for up to 72 hours provided 72-hours advance notice is given to the USCG District Eight Western Rivers Bridge Branch. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 24, 2014.

**Eric A. Washburn,**

*Bridge Administrator, Western Rivers.*

[FR Doc. 2014-28842 Filed 12-8-14; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2014-0206; FRL-9920-20-Region 5]

#### Approval and Promulgation of Implementation Plans; Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee-Racine Former Nonattainment Area

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On February 24, 2014, the Wisconsin Department of Natural Resources (WDNR) submitted revisions to the limits found in its nitrogen oxides (NO<sub>x</sub>) combustion turbine rule for the Milwaukee-Racine area formerly nonattainment for the 1997 ozone standard. This revision is contained in "2013 Wisconsin Act 91—Senate Bill 371," which provides for alternative NO<sub>x</sub> requirements, subject to Environmental Protection Agency (EPA) approval on a case-by-case basis, to determine whether these alternative limits satisfy the reasonably available control technology (RACT) requirements of the Clean Air Act (CAA). EPA proposed to approve this rule as a revision to the State Implementation Plan (SIP) on April 30, 2014, and received adverse comments. EPA subsequently issued a supplemental proposal on October 9, 2014, to address the issue of whether the SIP revision satisfies certain anti-backsliding requirements of the CAA. EPA received

an adverse comment on this supplemental proposal on October 23, 2014. After duly considering both this comment and the adverse comments received in response to the April 30, 2014, proposal, EPA is approving this rule because the process established will ensure that modified sources meet RACT and the revision meets the anti-backsliding requirements of the CAA. This final action addresses all of these adverse comments.

**DATES:** This final rule is effective on December 9, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2014-0206. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [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 Steven Rosenthal, at (312) 886-6052 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 866-6052, [rosenthal.steven@epa.gov](mailto:rosenthal.steven@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 is the background for this final approval?
- II. What are EPA's response to comments?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this final approval?

A detailed background for this approval is contained in the April 30, 2014, direct final rule (79 FR 24337), which can also be found in the docket for this action.

Under Wisconsin's current SIP-approved NO<sub>x</sub> control program, NR 428, existing simple cycle combustion

turbines larger than 84 megawatts (MW) that undergo a major modification after February 2001 must meet the emission limitations set forth in s. NR 428.04(2)(g)1.a. and 2.a. This provision sets NO<sub>x</sub> emission limits of 12 or 25 parts per million dry volume (ppmdv) at 15% oxygen (O<sub>2</sub>), on a 30-day rolling basis, when firing natural gas or distillate oil, respectively.

The WDNR originally set the NO<sub>x</sub> emission limitations for combustion turbines, in NR 428.04(2)(g)1.a. and 2.a., based on the mistaken assumption that dry low NO<sub>x</sub> (DLN) combustion technology was feasible and available for both new and modified combustion turbines and that such technology was capable of meeting the established emission limitations. As previously stated, the emission limitations in NR 428.04(2)(g)1.a. and 2.a. apply to simple cycle combustion turbines that are larger than 84 MW (of which there are only four in the Milwaukee-Racine maintenance area) and undergo a major modification. These four combustion turbines are the model 11N turbines that were manufactured by ASEA Brown-Boveri (ABB) and are operated by We Energies at its Paris generating facility. These four combustion turbines were designed and manufactured to use water injection instead of DLN technology to control NO<sub>x</sub> emissions. Use of water injection limits NO<sub>x</sub> emissions to the alternate levels provided by Wisconsin Act 91 (25 ppmv, for natural gas and 65 ppmv for oil), but cannot achieve the emission limits required by NR 428.04(2)(g), Wis. Admin. Code (12 and 25 ppmv). These combustion turbines are all located in an area that is designated attainment for both the 1997 and 2008 ozone standards, although there is a monitor in the area with a design value that exceeds the 2008 ozone standard for the most recent three-year period for which certified data are available (2011–2013).

For reasons described in the April 30, 2014, direct final rule (79 FR 24337), WDNR has determined that the previously-approved SIP NO<sub>x</sub> emission limits for simple cycle combustion turbines that undergo a major modification in the Milwaukee-Racine area are not feasible for the four existing combustion turbines to which these limits would apply. EPA agrees with this determination. The Wisconsin legislature adopted s. 285.27(3m), which became effective on December 15, 2013, to establish feasible RACT limits in the event of a major modification. EPA finds that these limits constitute RACT and issued both a direct final rule and a proposed rule to approve the rule into the SIP.