

an original copy of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

72. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

### IX. Document Availability

73. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

74. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

75. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

### List of Subjects in 18 CFR Part 35

Electric power rates; Electric utilities; Reporting and recordkeeping requirements.

By direction of the Commission.

**Kimberly D. Bose,**  
Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 35, Chapter I, Title 18, *Code of Federal Regulations*, as follows:

### PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 35.28 by revising paragraph (d) to read as follows:

### § 35.28 Non-discriminatory open access transmission tariff.

\* \* \* \* \*

(d) *Waivers.* (1) A public utility subject to the requirements of this section and 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) for good cause shown. Except as provided in paragraph (f) of this section, an application for waiver must be filed no later than 60 days prior to the time the public utility would have to comply with the requirement.

(2) The requirements of this section, 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) are waived for any public utility that is or becomes subject to such requirements solely because it owns, controls, or operates Interconnection Customer's Interconnection Facilities, in whole or in part, and sells electric energy from its Generating Facility, as those terms are defined in the standard generator interconnection procedures and agreements referenced in paragraph (f) of this section.

(i) The waivers referenced in this paragraph (d)(2) shall be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications of this paragraph (d)(2), and may be revoked by the Commission if the Commission determines that it is in the public interest to do so. After revocation of its waivers, the public utility must comply with the requirements that had been waived within 60 days of revocation.

(ii) Any eligible entity that seeks interconnection or transmission services with respect to Interconnection Customer's Interconnection Facilities for which a waiver is in effect pursuant to this paragraph (d)(2) shall follow the procedures in sections 210, 211, and 212 of the Federal Power Act and 18 CFR 2.20 and 18 CFR part 36. In any proceeding pursuant to this paragraph (d)(2)(ii):

(A) The Commission will consider it to be in the public interest to grant priority rights to the owner and/or operator of Interconnection Customer's Interconnection Facilities to use capacity thereon when such owner and/or operator can demonstrate that it has specific plans with milestones to use such capacity to interconnect its or its affiliate's future generation projects.

(B) For the first five years after the Interconnection Customer's Interconnection Facilities are energized, the Commission will apply rebuttable presumptions that:

(1) The owner and/or operator of such facilities has definitive plans to use the capacity thereon, and it is thus in the public interest to grant priority rights to the owner and/or operator of such facilities to use capacity thereon; and

(2) The owner and/or operator of such facilities should not be required to expand its facilities.

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

### Appendix A: List of Short Names of Commenters on the Federal Energy Regulatory Commission's Notice of Inquiry on Open Access and Priority Rights on Interconnection Facilities—Docket No. AD12-14-000, April 2012

#### Commenter (Short Name or Acronym)

American Public Power Association (APPA)  
American Wind Energy Association (AWEA)  
Bonneville Power Administration (BPA)  
BP Wind Energy North America Inc. (BP Wind)  
California Independent System Operator Corporation (CAISO)  
Duke Energy Corporation (Duke)  
Edison Electric Institute (EEI)  
E.ON Climate & Renewables North America (E.ON)  
Electric Power Supply Association (EPSA)  
First Wind Holdings, LLC (First Wind)  
Invenergy Wind Development LLC and Invenergy Thermal Development LLC (Invenergy)  
ITC Holdings Corp. (ITC)  
Los Angeles Department of Water and Power (LADWP)  
Midwest Independent Transmission System Operator, Inc. (MISO)  
NextEra Energy Resources, LLC (NextEra)  
New Jersey Board of Public Utilities (NJBPU)  
The NRG Companies (NRG)  
Puget Sound Energy, Inc. (Puget)  
Recurrent Energy  
San Diego Gas & Electric Company  
Solar Energy Industries Association (SEIA)  
Southwest Power Pool, Inc.  
Tenaska Energy, Inc. (Tenaska)  
TGP Development Company, LLC (TGP)  
Transmission Access Policy Study Group (TAPS)

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 745

[EPA-HQ-OPPT-2010-0173; FRL-9910-44]

RIN 2070-AJ56

### Lead; Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings

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

**ACTION:** Advanced notice of proposed rulemaking; availability and request for comment on Framework.

**SUMMARY:** EPA is making the following document available for public review and comment: “Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings” (Framework). The Framework describes an approach for identifying and evaluating hazards created by renovations of public and commercial buildings (P&CBs). The Framework also describes how the analyses under this approach would be performed, and presents results of some preliminary analyses that evaluated the impact of different variables on exposure estimates for young children. EPA will consider these comments as the Agency determines whether hazards are created by P&CB renovations and, if appropriate, develops proposed requirements.

**DATES:** Comments must be received on or before June 30, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0173, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Hans Scheifele, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3122; email address: [scheifele.hans@epa.gov](mailto:scheifele.hans@epa.gov).

*For general information contact:* The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY

14620; telephone number: (202) 554–1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This document is directed to the public in general. However, you may be potentially affected by this action if you perform renovations, repairs, or painting activities on the exterior or interior of P&CBs. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Building construction (NAICS code 236).
- Specialty trade contractors (NAICS code 238).
- Real estate (NAICS code 531).
- Other general governmental support (NAICS code 921).

Full descriptions of these NAICS codes and related establishments are maintained by the U.S. Census Bureau online at <https://www.census.gov/eos/www/naics/index.html>. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions

or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. Authority**

Title IV of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2681 *et seq.*, was enacted to assist the Federal Government in reducing lead exposures, particularly those resulting from lead-based paint. Section 403 of TSCA directs EPA to identify lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. “Lead-based paint hazard” is defined at TSCA section 401(10).

Section 402(c)(3) of TSCA directs EPA to revise its lead-based paint activities regulations (commonly referred to as lead abatement activities), promulgated under TSCA section 402(a), to apply the regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

**III. Overview of the Framework**

The Framework (Ref. 1) describes an approach for identifying and evaluating hazards created by renovations of P&CBs. The Framework also describes how the analyses under this approach would be performed, and presents results of some preliminary analyses that evaluated the impact of different variables on exposure estimates for young children.

The Framework also reviews the approach used in 2008 to identify and evaluate hazards in residences and in child-occupied facilities (COFs)—a subset of P&CBs, such as day care centers. This approach is predicated upon defining a hazard as a condition of paint (e.g., peeling, cracking, chipping, or otherwise damaged), or a lead level in dust, soil, paint, etc., that EPA would consider to be a hazard. In the 2008 final Renovation, Repair, and

Painting (RRP) rule (Ref. 2) EPA compared the observed dust-lead levels from the renovations tested in the Revised Final Report on Characterization of Dust Lead Levels After Renovation, Repair, and Painting Activities (Ref. 3) to the dust-lead hazard standards promulgated in 2001 (Ref. 4). This approach formed the basis for EPA's determination that all renovation activities that disturb lead-based paint in target housing and COFs—a subset of P&CBs, such as day care centers—create lead-based paint hazards.

Under the approach being considered for the P&CB analysis, however, hazards would be identified as exposures created by P&CB renovations that result in adverse health effects. EPA would model specific interior and exterior P&CB renovation scenarios that represent the broad range of exposure that can occur in P&CBs in order to evaluate whether adverse health effects could occur. These scenarios would take into account the variability in exposure times as well as in building sizes and configurations when evaluating hazards. For children, EPA would likely evaluate Intelligence Quotient (IQ) decrements. For adults, EPA would consider appropriate health effects and their associated concentration-response functions, such as renal effects, cardiovascular effects and others. EPA is reviewing currently available scientific literature to determine if appropriate adverse health effects for adults can be selected and analyzed.

The Framework discusses possible considerations of using the approach for evaluating risk inside P&CBs from renovation activities, including: Ability to target risks associated with renovations, quantification of adult health effects and applicability of modeling results.

Additionally, the Framework describes how the full analyses might be done if this approach were to be selected, and presents the results of preliminary analyses that EPA performed to determine the impact of different variables on predictions of IQ and blood lead level changes for young children. The preliminary analysis was deterministic while any full analysis conducted for the approach would be probabilistic. Thus, preliminary analysis results are not representative of all scenarios that could be analyzed. EPA will determine whether these preliminary results are reproducible once more robust analyses are performed. Therefore, the preliminary findings reported in the Framework should not be construed as final and may change.

Because EPA is providing the information contained in the Framework and an opportunity for public comment prior to issuing any proposed rule, the information contained in the Framework is limited. For instance, the document does not provide significant detail regarding modeling inputs and results, how EPA might apply the results of any analyses, or a discussion regarding what magnitude of deleterious health effect would be considered to be adverse. Further details and the results of such analyses would be provided for review and comment in any future proposal. In addition, EPA plans to make public, and provide for peer review of any such analyses.

#### IV. Request for Comment

EPA is requesting public review and comment on all aspects of the Framework, and particularly related to the following:

- The utility of the approach discussed in the Framework to assessing risk to human health inside P&CBs as a result of P&CB renovations.
- Making a hazard finding inside nearby homes and COFs as a result of P&CB renovations.
- The overview of an analysis approach outlined in the Framework.

#### V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Framework for Identifying and Evaluating Lead-Based Paint Hazards from Renovation, Repair, and Painting Activities in Public and Commercial Buildings. May 2014.
2. EPA. Lead; Renovation, Repair, and Painting Program; Final Rule. **Federal Register** (73 FR 21692, April 22, 2008) (FRL-8355-7).
3. EPA. Revised Final Report on Characterization of Dust Lead Levels After Renovation, Repair, and Painting Activities. November 11, 2007. Document ID number EPA-HQ-OPPT-2005-0049-0857.
4. EPA. Lead; Identification of Dangerous Levels of Lead; Final Rule. **Federal Register** (66 FR 1206, January 5, 2001) (FRL-6763-5).

#### List of Subjects in 40 CFR Part 745

Environmental protection, Buildings and facilities, Business and industry, Hazardous substances, Lead-based paint, Public and commercial buildings, Renovation, Repair, and Painting Program (RRP), Safety.

Dated: May 22, 2014.

**James Jones,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 140417346-4346-01]

RIN 0648-XD252

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** NMFS proposes to implement an annual catch limit (ACL), and associated annual reference points for Pacific sardine in the U.S. exclusive economic zone (EEZ) off the Pacific coast for the fishing season of July 1, 2014, through June 30, 2015. This rule is proposed according to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The proposed 2014-2015 ACL for Pacific sardine is 23,293 metric tons (mt). The proposed initial overall commercial fishing target, that is to be allocated across the three allocation periods for sardine management, is 19,293 mt. This amount would be divided across the three seasonal allocation periods for the directed fishery the following way: July 1-September 14—7,718 mt; September 15-December 31—4,823 mt; and January 1-June 30—6,752 mt, with an incidental set-aside of 500 mt for each of the three periods. This proposed rule is intended to conserve and manage the Pacific sardine stock off the U.S. West Coast.

**DATES:** Comments must be received by June 30, 2014.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2014-0061, by any of the following methods: