

demonstrates a lack of knowledge about the hazards or how to avoid the hazards, a modification occurs to an existing shearing or struck-by hazard, or a new shearing or struck-by hazard develops at the worksite; and

(iii) Attach a readily visible warning to each personnel platform and boatswain's chair notifying workers in a language they understand of potential shearing hazards they may encounter during hoisting operations, and that uses the following (or equivalent) wording:

(A) For personnel platforms:

"Warning—To avoid serious injury, keep your hands, arms, feet, legs, and other parts of your body inside this platform while it is in motion"; and

(B) For boatswain's chairs:

"Warning—To avoid serious injury, do not extend your hands, arms, feet, legs, or other parts your body from the side or to the front of this chair while it is in motion."

#### 17. Exclusion Zone

The employer must:

(a) Establish a clearly designated exclusion zone around the bottom landing of the hoist system designed to restrict the zone to authorized persons only;

(b) The periphery of the exclusion zone must be:

(i) Designed to keep unauthorized persons out of the zone;

(ii) Well defined by visible boundary demarcation;

(iii) Established with entry and exit points; and

(iv) Posted with readily visible warning signs limiting access.

(c) During personnel hoisting, prohibit any worker from entering the exclusion zone except authorized persons involved in accessing a personnel cage, and then only when the device is at the bottom landing and not in operation (i.e., when the drive components of the hoist machine are disengaged and the braking mechanism is properly applied); and

(d) When hoisting material with the personnel hoist system, prohibit any worker from entering the exclusion zone except to access a material-transport device, and then only when the device is near the bottom landing for the purpose of loading, attaching, landing or tagging the load.

#### 18. Inspections, Tests, and Accident Prevention

(a) The employer must initiate and maintain a program of frequent and regular inspections of the hoist system and associated work areas as required by 29 CFR 1926.20(b)(2) by:

(i) Ensuring that a competent person conducts daily visual checks and weekly inspections of the hoist system, and an inspection before reuse of the system following periods of idleness exceeding one week;

(ii) Ensuring that the competent person conducts tests and inspections of the hoist system in accordance with 29 CFR 1926.552(c)(15);

(iii) Ensuring that a competent person conducts weekly inspections of the work areas associated with the use of the hoist system.

(b) If the competent person determines that the equipment constitutes a safety hazard, the employer must remove the equipment from service and not return the equipment to service until the employer corrects the hazardous condition and has the correction approved by a qualified person.

(c) The employer must maintain at the jobsite, for the duration of the job, records of all tests and inspections of the hoist system, as well as associated corrective actions and repairs.

#### 19. Welding

(a) The employer must ensure that only welders qualified in accordance with the requirements of the American Welding Society weld components of the hoisting system. Accordingly, these welders must meet the qualification requirements of American Welding Society (AWS) D1.1 Structural Welding Code—Steel, or AWS D1.2 Structural Welding Code—Aluminum, as applicable.

(b) The employer must ensure that these welders:

(i) Are familiar with the weld grades, types, and materials specified in the design of the system; and

(ii) Perform the welding tasks in accordance with 29 CFR part 1926, subpart J ("Welding and Cutting").

#### 20. OSHA Notification

(a) To assist OSHA in administering the conditions of this variance, the employer must exercise due diligence in notifying the Office of Technical Programs and Coordination Activities (OTPCA) at OSHA's national headquarters, or the appropriate State-Plan Office, of:

(i) Any chimney-related construction operation using the conditions specified herein, including the location of the operation and the date the operation will commence, at least 15 calendar days prior to commencing the operation;

(ii) Any emergency operation or short-notice project using the conditions specified herein, and when 15 days are not available before start of work, as

soon as possible after the employer knows when the operation will commence. This information must include the location and date of the operation;

(b) The employer can notify OTPCA at OSHA's national headquarters of pending chimney-related construction operations by:

(i) Telephone at 202 639-2110;

(ii) Facsimile at 202 693-1644; or

(iii) Email at [VarianceProgram@dol.gov](mailto:VarianceProgram@dol.gov).

(c) To assist OSHA in administering the conditions of this variance, the employer must exercise due diligence by informing OTPCA at OSHA's national headquarters as soon as possible after it has knowledge that it will:

(i) Cease to do business;

(ii) Change the location and address of the main office for managing the activities covered by this variance; or

(iii) Transfer the activities covered by this variance to a successor company.

(d) OSHA must approve the transfer of this variance to a successor company.

#### V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by 29 U.S.C. 655, Secretary of Labor's Order No. 1-2012 (76 FR 3912), and 29 CFR part 1905.

Signed at Washington, DC, on March 18, 2013.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2013-06509 Filed 3-20-13; 8:45 am]

BILLING CODE 4510-26-P

#### NATIONAL SCIENCE FOUNDATION

##### Limited Exemption of the American Recovery and Reinvestment Act With Respect to the Purchase of a Variable Refrigerant Flow System

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** NSF is hereby granting a limited exemption of section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act), Public Law 111-5, 123 Stat. 115, 303 (2009), with respect to the purchase of a variable refrigerant flow system that will be used in the renovation of the St. Anthony Falls Laboratory at the University of Minnesota. This system is required in

order to provide the requisite heating and cooling capability in a manner that is consistent with the *U.S. Secretary of the Interior's Standards for Archaeology and Historic Preservation*, taking into account the *U.S. Secretary of the Interior's Standards for the Rehabilitation of Historic Properties*.

**DATES:** March 18, 2013.

**ADDRESSES:** National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jason Madigan, Division of Grants and Agreements, 703-292-4333.

**SUPPLEMENTARY INFORMATION:** In accordance with section 1605(c) of the Recovery Act and section 176.80 of Title 2 of the Code of Federal Regulations, the National Science Foundation (NSF) hereby provides notice that on March 15, 2013 the NSF Chief Financial Officer, in accordance with a delegation order from the Director of the agency, granted a limited project exemption of section 1605 of the Recovery Act (Buy American provision) with respect to the variable refrigerant flow (VRF) system that will be used in the renovation of the St. Anthony Falls Laboratory (SAFL). The basis for this exemption is section 1605(b)(2) of the Recovery Act, in that variable refrigerant flow systems of satisfactory quality that meet the specifications required for the renovation of this historic property are not produced by vendors in the United States in sufficient and reasonably available commercial quantities. The total cost of the VRF, estimated as \$181,000, represents approximately 2.6 percent of the total \$7.1 million Recovery Act award provided for renovation of the SAFL.

## I. Background

The Recovery Act appropriated \$200 million to NSF for projects to be funded by the Foundation's Academic Research Infrastructure (ARI) program. The renovation of SAFL is one of NSF's ARI projects. Section 1605(a) of the Recovery Act, the Buy American provision, states that none of the funds appropriated by the Act "may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States."

The St. Anthony Falls Laboratory was built in 1938 with Works Progress Administration funding. It is part of the St. Anthony Falls Historic District, added to the National Register of Historic Places in 1971, and this project is, therefore, being undertaken pursuant

to a Programmatic Agreement developed as part of NSF's compliance with Section 106 of the National Historic Preservation Act to preserve the historical integrity of the laboratory building.

The SAFL renovation is being funded under a standard grant awarded to the University of Minnesota (UMN) that began in 2010. The project is currently in the construction phase.

Subsections 1605(b) and (c) of the Recovery Act authorize the head of a Federal department or agency to waive the Buy American provision if the head of the agency finds that: (1) Applying the provision would be inconsistent with the public interest; (2) the relevant goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of the goods produced in the United States will increase the cost of the project by more than 25 percent. If the head of the Federal department or agency waives the Buy American provision, then the head of the department or agency is required to publish a detailed justification in the **Federal Register**. Finally, section 1605(d) of the Recovery Act states that the Buy American provision must be applied in a manner consistent with the United States' obligations under international agreements.

## II. Finding That Relevant Goods Are Not Produced in the United States in Sufficient and Reasonably Available Quality

The project involves renovations and upgrades to the University of Minnesota's St. Anthony Falls Laboratory (SAFL) facility, a contributing element to the National Register-listed St. Anthony Falls Historic District in Minneapolis, MN. When the project was initially being considered for funding, the design of the proposed improvements was not sufficiently advanced to allow for a full evaluation of their potential impacts on the SAFL facility and the Historic District. Therefore, a Programmatic Agreement (PA) was executed among NSF, the University of Minnesota, the Minnesota State Historic Preservation Office, and the National Park Service to define a process through which the PA signatories and other consulting parties would review the design of the proposed upgrades and renovations, as it was being developed, and, through this review, ensure that the proposed action results in no significant adverse impact to the historic integrity of the SAFL facility and the St. Anthony Falls Historic District. The Agreement states

that, "Insofar as possible, the proposed Project shall be implemented in a manner consistent with the *U.S. Secretary of the Interior's Standards for Archaeology and Historic Preservation*, taking into account the *U.S. Secretary of the Interior's Standards for the Rehabilitation of Historic Properties* ('SOI Rehabilitation Standards')."

Installation of a modern heating, ventilation and air conditioning (HVAC) system is required for the safety and welfare of personnel working in SAFL and for the use of some of the instrumentation within the renovated laboratory. The University of Minnesota and its design consultant engaged an engineering consultant to determine the capabilities of the HVAC system required and how best to accommodate these in a way that best preserves the historical integrity of the laboratory building. The use of a VRF system, rather than a type of HVAC system commonly manufactured in the U.S., has been determined by the Awardee, the University of Minnesota, to be necessary in order to meet the requirements of the Programmatic Agreement. This conclusion is based on design considerations associated with historical preservation, space limitations, energy efficiency, and performance. The University of Minnesota has stated that "The VRF system [is] necessary to accommodate the extraordinary space limitations of the project, the need to maintain the look and feel of a 1938 WPA [Works Progress Administration] facility, and the need to maximize usable research space."

The University of Minnesota's architect for this project, Perkins+Will, conducted market research by discussing options with an engineering consultant, and with local vendors of HVAC systems, by Internet search, and by reviewing a prior determination of inapplicability issued by the Department of Energy. The Department of Energy, in a Memorandum of Decision issued by the Assistant Secretary for Energy Efficiency and Renewable Energy on May 24, 2010, that considered the applicability of Section 1605 of the Recovery Act to projects funded by the Office of Energy Efficiency and Renewable Energy, had found that "Variable Refrigerant Flow Zoning HVAC Systems," including "variable refrigerant flow (VRF) multi-split heat pump (with or without heat recovery) and air conditioning systems," are "not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality," and had accordingly made a determination of

inapplicability of Section 1605 in the context of such systems. (See also **Federal Register** Volume 75, Number 119 (Tuesday, June 22, 2010), 35447–35449.)

Perkins+Will concluded that no VRF systems of the required scale were manufactured in the U.S.

In the absence of a domestic supplier that could provide a VRF system that meets or exceeds the design requirements of the SAFL renovation, the University of Minnesota requested that NSF issue a Section 1605 exemption determination with respect to the purchase of a foreign-supplied VRF that will meet the specific design and technical requirements that are necessary for the renovation of SAFL.

NSF's Division of Grants and Agreements (DGA) and other NSF program staff reviewed the University of Minnesota exemption request submittal and determined that sufficient technical information was provided in order for NSF to evaluate the exemption request and to conclude that an exemption is needed and should be granted.

### III. Exemption

On March 15, 2013, based on the finding that no domestically produced variable refrigerant flow system meets all of the technical specifications and requirements of the St. Anthony Fall Laboratory renovation project and pursuant to section 1605(b), the NSF Chief Financial Officer, in accordance with a delegation order from the Director of the agency signed on May 27, 2010, granted a limited project exemption of the Recovery Act's Buy American requirements with respect to the procurement of the variable refrigerant flow system.

Dated: March 18, 2013.

**Lawrence Rudolph,**  
*General Counsel, National Science Foundation.*

Submitted for the National Science Foundation on March 18, 2013,

**Suzanne H. Plimpton,**  
*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2013–06536 Filed 3–20–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2013–0012]

[Docket Nos. 50–458, 50–155, 72–043, 50–003, 50–247, 50–286, 50–333, 50–255, 50–293, 50–271, 50–313, 50–368, 50–416, and 50–382]

### Entergy Nuclear Operations, Inc.; Entergy Operations, Inc.; Biweekly Notice; Notice of Issuance of Amendment to Facility Operating License; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance of amendment; correction.

**SUMMARY:** The original “Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing” was published in the **Federal Register** on March 20, 2012 (77 FR 16274) and included Big Rock Plant. This notice corrects a notice appearing in the **Federal Register** on January 22, 2013 (78 FR 4475–4476), to include a missing facility operating license number and a missing amendment number. This action is necessary to include the license and amendment number for which the license amendment was issued.

**FOR FURTHER INFORMATION CONTACT:** Nageswaran Kalyanam, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone (301) 415–1480, email: [kaly.kalyanam@nrc.gov](mailto:kaly.kalyanam@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On page 4476, in the first column, line two, is corrected from “and Waterford—240.” to “Waterford—240; and Big Rock—128.”; also, on page 4476, first column, first full paragraph, line four is corrected from “DPR–20, and DPR–28: The amendments” to “DPR–20, DPR–28, and DPR–06: The amendments”.

Dated in Rockville, Maryland, this 14th day of March 2013.

For the Nuclear Regulatory Commission.

**Nageswaran Kalyanam,**  
*Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2013–06510 Filed 3–20–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 04008502; NRC–2009–0036]

### Notice of Issuance of Materials License Renewal, Operating License SUA–1341, Uranium One USA, Inc., Willow Creek Uranium In Situ Recovery Project

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is providing notice of issuance of a license renewal for Materials License No. SUA–1341 to Uranium One USA, Inc. (Uranium One) for its Willow Creek Uranium *In Situ* Recovery (ISR) Project in Johnson and Campbell Counties, Wyoming.

**ADDRESSES:** Please refer to Docket ID NRC–2009–0036 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly-available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2009–0036. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in Section II of this notice entitled, *Availability of Documents*.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Ron C. Linton, Project Manager, Office of Federal and State Materials and Environmental Management Programs,