

appointed for two-year terms that expire on September 15, 1999.

ADDRESSES: Please submit nominations to Greg Watchman, Acting Assistant Secretary of OSHA, c/o Teresa M.B. Martínez, Office of the Assistant Secretary, OSHA, Department of Labor, Room S-2315, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, 202-219-8151.

SUPPLEMENTARY INFORMATION: The function of ACCSH is to advise the Assistant Secretary "with respect to the setting of construction standards and policy matters affecting federally-financed or assisted construction pursuant to the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and the setting of construction standards pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 656)."

ACCSH is expected to meet two to six times per year for one or two days per meeting. Pursuant to 29 CFR 1912.3 (b) and (c), ACCSH has 15 members categorized as follows:

- Five representatives of employee interests;
- Five representatives of employer interests;
- Two representatives of State safety and health agencies;
- Two representatives qualified by knowledge and experience related to construction safety and health; and
- One representative, designated by the U.S. Secretary of Health and Human Services (HHS), from the National Institute for Occupational Safety and Health (NIOSH), an agency within HHS.

Nominations of new members or renominations of former or current members will be accepted in all categories of membership, except for the representative from NIOSH. Nominees should have specified experience related to occupational safety or health in the construction industry. The category of membership for which the candidate is qualified should be specified in the nomination letter(s).

Nominations for a particular category of membership should come from organizations or individuals within that category. A summary of the candidate's qualifications should be included with the nomination. In addition, each nomination letter should state that the person consents to the nomination and acknowledges the responsibilities of serving on ACCSH. The Department of Labor is committed to equal opportunity in the workplace and seeks a broad-based and diverse ACCSH membership.

(**Authority:** 40 U.S.C. 333; 29 U.S.C. 656)

Signed at Washington, DC this 31st day of July, 1997.

Greg Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97-20687 Filed 8-5-97; 8:45 am]

BILLING CODE 4510-26-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, August 7, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission shall consider and act upon the following:

1. Secretary of Labor v. Fort Scott Fertilizer, Inc., Docket Nos. CENT 92-334-M, CENT 93-117-M (Issues include whether the judge correctly determined that two violations of 30 C.F.R. § 56.14101 were caused by employee misconduct and were not the result of the operator's unwarrantable failure to comply with the standard, that the operator was not negligent, and that the operator's agent was not liable under section 110(c) of the Mine Act for the violation, and whether the judge erred by failing to consider all of the civil penalty criteria set forth in section 110(i) of the Mine Act.

Any person attending the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 97-20776 Filed 8-1-97; 4:56 pm]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

In the Matter of Rochester Gas and Electric Corporation; R.E. Ginna Nuclear Power Plant; Exemption

I

On December 10, 1984, the Nuclear Regulatory Commission issued Facility Operating License No. DPR-18 to

Rochester Gas and Electric Corporation (RG&E or the Licensee) for the R.E. Ginna Nuclear Power Plant. The license stipulated, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II

In its letter dated June 12, 1997, the licensee requested an exemption from the Commission's regulations. Section 50.60 of Title 10 of the Code of Federal Regulations, "Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation," states that all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary as set forth in Appendices G and H to 10 CFR part 50. Appendix G to 10 CFR part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. It also states that the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) edition and addenda specified in 10 CFR 50.55a are applicable. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in Appendices G and H to 10 CFR Part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low-temperature overpressure transients that would produce pressure excursions exceeding the 10 CFR part 50, Appendix G, P/T limits while the reactor is operating at low temperatures, the licensee installed a low-temperature overpressure protection (LTOP) system. The system includes pressure-relieving devices called power-operated relief valves (PORVs). The PORVs are set at a pressure low enough so that if an LTOP transient occurred, the mitigation system would prevent the pressure in the reactor vessel from exceeding the 10 CFR part 50, Appendix G, P/T limits. To prevent the PORVs from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting, and shifting operating charging pumps) with the reactor coolant system in a solid water condition, the operating pressure must be maintained below the PORV setpoint. Applying the LTOP instrument uncertainties required by the staff's approved methodology results in an LTOP setpoint that establishes an operating window that is too narrow to

permit reasonable system makeup and pressure control.

To prevent these difficulties, the licensee has requested to use the ASME Code Case N-514, "Low Temperature Overpressure Protection," which designates the allowable pressure as 110 percent of that specified by 10 CFR part 50, Appendix G. This would provide an increased band to permit system makeup and pressure control. ASME Code Case N-514 is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. The content of this ASME Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI and has been incorporated into the latest draft of Regulatory Guide 1.147 (Draft Regulatory Guide DG-1050, Revision 12 of Regulatory Guide 1.147, Inservice Inspection Code Case Applicability ASME Section XI, dated May 1997). However, 10 CFR 50.55a, "Codes and Standards," only authorizes addenda through the 1988 Addenda.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in question is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of 10 CFR part 50, Appendix G, is to establish fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences, to which the pressure boundary may be subjected over its service lifetime. Section IV.A.2 of Appendix G requires that the reactor vessel be operated with P/T limits at least as conservative as those obtained by following the methods of analysis and the required

margins of safety of Appendix G of the ASME Code.

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) Using a safety factor of two on the principal membrane (pressure) stresses; (b) assuming a flaw at the surface with a depth of one-quarter (1/4) of the vessel wall thickness and a length of six (6) times its depth; and (c) using a conservative fracture toughness curve that is based on the lower bond of static, dynamic, and crack arrest fracture toughness tests on material similar to the Ginna reactor vessel material.

In determining the setpoint for LTOP events, the licensee proposed to use safety margins based on an alternate methodology consistent with the ASME Code Case N-514 guidelines. The ASME Code Case N-514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110 percent of the P/T limits of the existing ASME Code Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stress, the proposed criteria will provide adequate margins of safety on the reactor vessel during LTOP transients, and thus will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. Further, by relieving the operational restrictions, the potential for undesirable lifting of the PORV would be reduced, thereby improving plant safety.

IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), in that application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby grants an exemption from 10 CFR 50.60 such that in determining the setpoint for

LTOP events, the Appendix G curves for P/T limits are not exceeded by more than 10 percent. This exemption permits using the safety margins recommended in the ASME Code Case N-514, in lieu of the safety margins required by 10 CFR part 50, Appendix G. This exemption is applicable only to LTOP conditions during normal operation.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the exemption will have no significant impact on the quality of the human environment (62 FR 40554).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 28th day of July, 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-20643 Filed 8-5-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-223]

University of Massachusetts Lowell; (University of Massachusetts Lowell Research Reactor); Order Modifying Facility Operating License No. R-125

I

The University of Massachusetts Lowell (the licensee) is the holder of Facility Operating License No. R-125 (the license) issued on December 24, 1974, by the U.S. Atomic Energy Commission, and subsequently renewed on November 21, 1985, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the University of Massachusetts Lowell Research Reactor (the facility) at a power level up to 1 megawatt thermal (MW(t)). The facility is a research reactor located in the center of the North Campus of the University of Massachusetts Lowell, in the city of Lowell, Middlesex County, in northeastern Massachusetts, approximately 5 miles from the New Hampshire border. The mailing address is Radiation Laboratory, University of Massachusetts Lowell, One University Avenue, Lowell, Massachusetts 01854.

II

On February 25, 1986, the Commission promulgated a final rule in Section 50.64 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.64) limiting the use of high-enriched uranium (HEU) fuel in domestic