

designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

#### Application Details

##### Permit Application: 2017-006

1. *Applicant:* Joseph Wilson, Penguin Films Ltd, 1 St Augustine's Lane, Bristol BS1 5DE United Kingdom.

*Activity for Which Permit is Requested:* ASPA entry. The applicant requests entry to Cape Crozier, ASPA 124, and Cape Royds, ASPA 121, in order to film an Adelie penguin documentary film for Disney. The applicant and team would use long lens filming techniques, which allows the camera person to be at a distance from the animals to capture natural behaviors. The work would be observational and would not involve interactions with penguins. The team would be working with penguin scientists who conduct work in Cape Crozier and Cape Royds.

*Location:* Cape Crozier, ASPA 124; Cape Royds, ASPA 121.

*Dates:* October 14, 2016–February 10, 2017.

##### Permit Application: 2017-010

2. *Applicant:* Brent S. Stewart, Ph.D., J.D., Hubbs-Seaworld Research Institute, 2595 Ingraham Street, San Diego, CA 92109.

*Activity for Which Permit is Requested:* Take. The applicant is planning to make photographs at terrestrial continental and island locations on the east and west sides of the Antarctic Peninsula, where seabirds roost and breed, to document and observe changes in the physical characteristics of those habitats and the distribution and abundance of seabirds that use them relative to local and regional changes in environmental conditions. The applicant states that brief, minor, incidental disturbance to behaviors of seabirds might be possible, though unlikely, owing to auditory or visual detection by the seabirds of a camera-equipped (e.g., GoPro) aerial telerobot as it passes quickly overhead while making photographs. The remotely operated, battery powered, multi-rotor model aerial telerobot (e.g., DJI Phantom 3 Pro) will be operated from a Zodiac offshore, or from locations on beaches. The aerial telerobot will be operated within line of sight distances (<400 m) and altitudes of 30 to 100 m and for 10 to 20 minutes during each flight. One flight will be made at each location visited and each

location will be visited one to three times each year during the Austral summer (October to March). The applicant has applied for a permit to take the following species and numbers of birds: Less than 30 per year of gentoo penguin (*Pygoscelis papua*), rockhopper penguin (*Eudyptes crestatus*), chinstrap penguin (*Pygoscelis antarctica*), and Adelie penguin (*Pygoscelis adeliae*); and less than 20 per year of brown skua (*Catharacta lonnbergi*), south polar skua (*Catharacta mccormicki*), sheathbill (*Chionis alba*), blue-eyed shag (*Phalacrocorax atriceps*), southern black-backed (kelp) gull (*Larus dominicanus*), and Antarctic tern (*Sterna vittata*).

*Location:* Aitcho Islands; Alcock Island; Ardley Island; Argentine Islands; Astrolabe Island; Baily Head, Deception Island; Barcroft Islands, Biscoe Islands; Bennett Islands, Hanusse Bay; Berthelot Islands; Blaiklock Islands; Bongrain Point, west side of Pourquoi Pas Island; Brown Bluff, Tabarin Peninsula; Camp Point, Eastern Marguerite Bay; Challenger Island, Gerlache Strait; Port Charcot, Booth Island; Christiania Islands; Comb Ridge, Northern James Ross Island; Cormorant Island; Crystal Hill, Prince Gustav Channel; Cuverville Island; Damoy Point, Wiencke Island; Danco Island; Danger Islands; Detaille Island; Devil Island; Cape Dubouzet; Cape Dundas, Eastern Laurie Island; Duthiers Point; Enterprise Island, Gerlache Strait; Cape Evensen; Fildes Peninsula; Fish Islands; Cape Gage, Eastern James Ross Island; Gaston Islands, Gerlache Strait; Georges Point, Northern Ronge Island; Gin Cove, Western James Ross Island; Gosling Islands; Gourdin Island; Half Moon Island; Hannah Point; Heroina Island; Horseshoe Island; Hovgaard Island; Huemel Island; Jonassen Island; Cape Kinnes, Joinville Island; Cape Kjellman; Melchior Islands; Metchnikoff Point, Northern Brabant Island; Murray Island; Orne Islands; Palaver Point; Paulet Island; Pendulum Cove, Deception Island; Penguin Island; Penguin Point, Seymour Island; Petermann Island; Pitt islands; Pleneau Island; Portal Point; Prospect Point, Holtedahl Bay; Ronge Island; Rosamel Island; Rum Cove, James Ross Island; Seymour Island; Shingle Cove, Coronation Island; Skontorp, Cove, Paradise Harbor; Small Island; Snow Hill Island; Spring Point, Hughes Bay; Stonington Island; Torgersen Island, Anvers Island; View Point, Duse Bay, Trinity Peninsula; Whalers Bay, Deception Island; Yalour Islands, Penola Strait; Yankee Harbor, Greenwich Island.

*Dates:* October 1, 2016–September 30, 2021.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2016-18141 Filed 7-29-16; 8:45 am]

**BILLING CODE 7555-01-P**

#### NATIONAL SCIENCE FOUNDATION

##### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation

**ACTION:** Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:**

Nature McGinn, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: [ACApermits@nsf.gov](mailto:ACApermits@nsf.gov).

**SUPPLEMENTARY INFORMATION:** On June 24, 2016 the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on July 27, 2016 to:

1. Robert Ferl Permit No. 2017-003.
2. David Ainley Permit No. 2017-005.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2016-18143 Filed 7-29-16; 8:45 am]

**BILLING CODE 7555-01-P**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-005; NRC-2016-0153]

##### Pennsylvania State University Breazeale Nuclear Reactor

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a letter dated November 6, 2014, from the Pennsylvania State University (Penn State). In this letter, Penn State requested an exemption from certain regulatory requirements, which, if granted, would allow Penn State to submit its annual financial results within 180 days after the close of each succeeding fiscal year. The NRC staff

has reviewed this request and determined that it is appropriate to grant the exemption, as requested.

**ADDRESSES:** Please refer to Docket ID NRC-2016-0153 when contacting the NRC about the availability of information about this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0153. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For assistance 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 document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *The NRC's PDR:* 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:** Xiaosong Yin, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1404; email: [Xiaosong.Yin@nrc.gov](mailto:Xiaosong.Yin@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Penn State is holder of Facility Operating License No. R-2, which authorizes operation of the TRIGA Mark III Breazeale Reactor, located at University Park, Pennsylvania. Penn State seeks an extension from 90 to 180 days by exemption from compliance with section 50.75 of title 10 of the *Code of Federal Regulations* (10 CFR), "Reporting and recordkeeping for decommissioning planning," and appendix E, "Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals," to 10 CFR part 30, "Rules of

general applicability to domestic licensing of byproduct material." The regulations in 10 CFR part 30, appendix E, require that a nonprofit college, university, or hospital using a self-guarantee for decommissioning funding assurance shall, after the initial financial test, repeat passage of the test and provide financial documentation to the NRC of its continued eligibility to use the self-guarantee 90 days after the close of each succeeding fiscal year.

**II. Request/Action**

By letter dated November 6, 2014 (ADAMS Accession No. ML14321A408), Penn State requested that the NRC grant a 90-day extension to the reporting requirements of 10 CFR 50.75 and 10 CFR part 30, appendix E. Penn State made this request under 10 CFR 50.12, "Specific exemptions."

Penn State is currently using a self-guarantee to provide financial assurance for decommissioning, as allowed by 10 CFR 50.75(e)(1)(iii)(C) for nonprofit entities such as universities. The regulation states that ". . . a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in appendix E to 10 CFR part 30."

The regulations in 10 CFR part 30, appendix E, require all entities using a self-guarantee to provide financial assurance for decommissioning to submit annual financial tests within 90 days after the close of each succeeding fiscal year to demonstrate their continued eligibility.

The regulations in 10 CFR 50.12 allow the NRC to grant exemptions to the requirements in 10 CFR part 50, "Domestic licensing of production and utilization facilities," if it deems that the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The regulations in 10 CFR 50.12 also specify that the NRC will not consider granting an exemption unless special circumstances are present; for example, application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule, or compliance would result in undue hardship.

Penn State requests an exemption from the requirement to submit its annual financial results information within 90 days after the close of each succeeding fiscal year. Instead, Penn State's exemption request asks to submit this information within 180 days after the close of each succeeding fiscal year.

According to Penn State, the requested exemption is permissible under 10 CFR 50.12 because it will not present a risk to public health and safety, it is consistent with the common defense and security, and the 90-day requirement is not necessary to achieve the underlying purpose of the decommissioning funding rule. Penn State states that it presented the basis for a longer financial recertification time period during the license renewal process (see ADAMS Accession No. ML092650603) and claims that the 90-day rule presents an undue hardship for Penn State. Specifically, Penn State's final financial statements are not available within 90 days of the close of its fiscal year. In part, this is a result of the time necessary for auditing the university finances as a whole, not just the finances for the Breazeale Reactor, which makes the process complex and longer to complete. In addition, Penn State asserts that the requested exemption in no way reduces the effectiveness of the approved decommissioning plan.

Based on the staff's review of Penn State's request for exemption, the NRC believes that Penn State's comprehensive financial reviewing process, which involves Penn State's book balancing, external audits, and the internal approval processes for recertification, does present a special circumstance whereby the 90-day rule will result in an undue hardship to Penn State. In addition, the NRC believes that allowing Penn State to submit its annual financial results within 180 days instead of 90 days after the close of the succeeding fiscal year will not reduce the effectiveness of its currently approved decommissioning funding plan. Furthermore, the NRC finds that granting this exemption will not present an undue risk to public health and safety, is consistent with the common defense and security, and does not undermine the intent of the stated regulations. Therefore, the NRC has elected to grant Penn State an exemption to the requirement of 10 CFR part 50 and appendix E to 10 CFR part 30, allowing Penn State to submit its annual financial results within 180 days of the close of the succeeding fiscal year.

The NRC notes that Penn State has made good faith efforts to comply with these annual financial reporting requirements. The NRC also notes that the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection, issued a similar exemption to Penn State's Type A Broad Scope license (Commonwealth of Pennsylvania PA-0100).

### III. Discussion

#### *The Exemption Is Authorized by Law*

The staff concluded that 10 CFR 50.12 allows for an exemption to the requirements of the regulations in 10 CFR 50.75 and appendix E to 10 CFR part 30.

#### *The Exemption Presents No Undue Risk to Public Health and Safety*

The staff determined that the exemption is related to the Penn State financial surety self-guarantee annual reporting, which does not involve Penn State's reactor operation and safety aspects. Therefore, the exemption presents no undue risk to public health and safety.

#### *The Exemption Is Consistent With the Common Defense and Security*

The staff determined that the exemption is related to the Penn State financial surety self-guarantee annual reporting, which does not involve Penn State's reactor operation and safety aspects. Therefore, granting the exemption will have no effect on the common defense and security.

#### *Environmental Considerations*

The staff determined that granting an exemption from the requirements of 10 CFR part 50 and appendix E to 10 CFR part 30 belongs to a category of regulatory actions eligible for categorical exclusion. Since this exemption involves only Penn State's self-guarantee financial surety reporting and does not involve the operations of the Penn State Breazeale Reactor, there is no significant hazards consideration, there is no significant change in the types or significant increase in the amounts of any effluents that may be released off site, there is no significant increase in individual or cumulative public or occupational radiation exposure, there is no significant construction impact; and there is no significant increase in the potential for or consequences from radiological accidents as a result of the NRC granting this exemption. The requirements from which the exemption is sought involve surety, insurance, or indemnity requirements. The exemption meets all categorical exclusion requirements of 10 CFR 51.22(c)(25)(i) through (vi). Therefore, in accordance with 10 CFR 51.22(c)(25)(vi)(H), the staff determines that an environmental review is not required.

### IV. Conclusion

The NRC has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health

and safety, and is consistent with the common defense and security. Therefore, the NRC hereby grants Penn State an exemption to the requirements in 10 CFR part 50 and appendix E to 10 CFR part 30. As a result of this exemption, Penn State shall submit its annual financial results within 180 days after the close of each succeeding fiscal year.

Dated at Rockville, Maryland, this 25th day of July, 2016.

For the Nuclear Regulatory Commission.

**Mirela Gavrilas,**

*Deputy Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. 2016-18144 Filed 7-29-16; 8:45 am]

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### NUCLEAR REGULATORY COMMISSION

#### **Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on AP1000**

The ACRS Subcommittee on AP1000 will hold a meeting on August 18-19, 2016, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Thursday, August 18, 2016 and Friday, August 19, 2016—8:30 a.m. until 5:00 p.m.*

The Subcommittee will review the combined license application (COLA) for Turkey Point Units 6 and 7, and the associated NRC staff's advanced safety evaluation (ASE). The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Florida Power & Light Company, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Peter Wen (Telephone 301-415-2832 or Email: [Peter.Wen@nrc.gov](mailto:Peter.Wen@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy

cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO.

Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: July 26, 2016.

**Mark L. Banks,**

*Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.*

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### NUCLEAR REGULATORY COMMISSION

#### **Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Plant Operations and Fire Protection; Notice of Meeting**

The ACRS Subcommittee on Plant Operations and Fire Protection will hold a meeting on August 16, 2016, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Tuesday, August 16, 2016—8:30 a.m. until 12:00 p.m.*

The Subcommittee will review the draft final Regulatory Guide 1.26,