

**FOR FURTHER INFORMATION CONTACT:** Li Ling Hamady, ACA Permit Officer, at the above address or [ACApermits@nsf.gov](mailto:ACApermits@nsf.gov) or (703) 292-7149.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and 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

1. *Applicant:* Helen Glazer, 3413 Nancy Ellen Way, Owings Mills, MD 2117.

*Permit Application:* 2016-002.

*Activity for Which Permit is*

*Requested:* ASPA entry, Applicant, as an NSF artist, desires to enter several ASPAs in order to take photos for use in hand painted photographs and 3D sculpture creation.

*Location:* ASPA 121 Cape Royds; ASPA 122 Arrival Heights; ASPA 131 Canada Glacier; ASPA 157 Backdoor Bay; ASPA 158 Hut Point; ASPA 172 Lower Taylor Glacier and Blood Falls.

*Dates:* October 25, 2015 to January 4, 2016.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015-15501 Filed 6-23-15; 8:45 am]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0147]

**Thomas Saporito on Behalf of Saprovani Associates**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Director's decision under 10 CFR 2.206; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision with regard to a petition dated March 12, 2011, filed by Thomas Saporito (the petitioner), requesting that the NRC take action with regard to all operating reactor licensees. The petitioner's requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

**DATES:** June 24, 2015.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0147 when contacting the NRC about the availability of information regarding 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-2011-0147. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *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 "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 (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *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.

### SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML15114A411) on a petition filed by the petitioner on March 12, 2011 (ADAMS Accession No. ML110740026). The petition was supplemented by documents dated April 14, April 16, and May 25, 2011 (ADAMS Accession Nos. ML11110A026, ML11110A027, ML11110A028, ML11119A024, and ML111450897, respectively.)

The petitioner requested that the NRC:

1. Order the immediate shutdown of all nuclear power reactors located on or near an earthquake fault line in the United States.

2. Order the immediate shutdown of all power reactors employing GE Mark I containment design in the United States, characterizing such design as flawed from the nuclear safety standpoint.

3. Advise other countries employing the GE Mark I nuclear power reactors about the serious nuclear safety design flaws associated with that design, which is likely to result in a serious nuclear

accident comparable to the Japanese nuclear disaster.

4. Immediately revoke all 20-year license extensions issued to NRC licensees, because the NRC "has improperly and illegally granted 20-year license extensions to the 40-year license that was initially granted by the agency for the 104 nuclear reactors throughout the United States."

As the basis for these requests, the petitioner cited the events in Japan at the Fukushima Dai-ichi Nuclear Power Plant.

On April 14, 2011, and May 25, 2011, the petitioner met with the NRC's Petition Review Board. The meetings provided the petitioner an opportunity to provide additional information and to clarify issues cited in the petition. The transcripts for those meetings are available in ADAMS under Accession Nos. ML11109A014 and ML11146A010, respectively.

The NRC sent a copy of the proposed director's decision to the petitioner and the licensees for comment on April 8, 2015 (ADAMS Package Accession No. ML13018A145). The petitioner and the licensees were asked to provide comments within 2 weeks on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received from two licensees and are addressed in an attachment to the final director's decision. The staff did not receive any comments from the petitioner.

The Director of the Office of Nuclear Reactor Regulation has determined that the following requests are denied: (1) To require that the NRC Order the immediate shutdown of all nuclear power reactors located on or near an earthquake fault line in the United States, and (2) to require that the NRC Order the immediate shutdown of all power reactors employing GE Mark I containment design in the United States. The NRC rejected Request 3 on the basis that the NRC was already implementing the actions requested. The NRC rejected Request 4 on the basis that the petitioner's claim was general and insufficient to warrant further inquiry, and that the NRC staff had already reviewed, evaluated, and resolved the issue.

The reasons for this decision are explained in the director's decision (DD-15-06) under Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR

2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 17th day of June, 2015.

For the Nuclear Regulatory Commission.

**William M. Dean,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015-15518 Filed 6-23-15; 8:45 am]

**BILLING CODE 7590-01-P**

## **PENSION BENEFIT GUARANTY CORPORATION**

### **Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Harrington Air Systems, LLC and J.C. Cannistraro, LLC**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of pendency of request.

**SUMMARY:** This notice advises interested persons that the Pension Benefit Guaranty Corporation ("PBGC") has received a request from Harrington Air Systems, LLC, and its sister company J.C. Cannistraro, LLC, for an exemption from the bond/escrow requirement of section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Sheet Metal Workers National Pension Fund. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser posts a bond or deposits money in escrow for the five-plan-year period beginning after the sale. PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption PBGC is required to give interested persons an opportunity to comment on the exemption request. The purpose of this notice is to advise interested persons of the exemption request and solicit their views on it.

**DATES:** Comments must be received on or before August 10, 2015.

**ADDRESSES:** Comments may be submitted by any of the following methods:

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the Web

site instructions for submitting comments.

• Email: [reg.comments@pbgc.gov](mailto:reg.comments@pbgc.gov).

• Fax: 202-326-4224.

• Mail or Hand Delivery: Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026.

Comments received, including personal information provided, will be posted to [www.pbgc.gov](http://www.pbgc.gov). Copies of comments and non-confidential portions of the request may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026 or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.)

#### **FOR FURTHER INFORMATION CONTACT:**

Bruce Perlin ([Perlin.Bruce@PBGC.gov](mailto:Perlin.Bruce@PBGC.gov)), 202-326-4020, ext. 6818 or Jon Chatalian ([Chatalian.Jon@PBGC.gov](mailto:Chatalian.Jon@PBGC.gov)), ext. 6757, Office of the Chief Counsel, Suite 340, 1200 K Street NW., Washington, DC 20005-4026; (TTY/ TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020.)

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA" or "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contributions base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller

shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes PBGC to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S.1076, The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR part 4204), a request for a variance or waiver of the bond/escrow requirement under any of the tests established in the regulation (§§ 4204.12-4204.13) is to be made by the parties to the sale to the plan in question. PBGC will consider a waiver request by a purchaser or seller only if the transaction does not satisfy the regulatory tests or the parties decline to provide the plan financial information necessary to show satisfaction of one of the regulatory tests because it is privileged or confidential financial information within the meaning of 5 U.S.C. 552(b)(4) (the Freedom of Information Act).

Under § 4204.22 of the regulation, the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.