

**NATIONAL SCIENCE FOUNDATION****Notice of Intent To Prepare an Environmental Impact Statement and Initiate Section 106 Consultation for Proposed Changes to Arecibo Observatory Operations, Arecibo, Puerto Rico and Notice of Public Scoping Meetings and Comment Period****AGENCY:** National Science Foundation.**ACTION:** Notice of intent to prepare an Environmental Impact Statement and initiate Section 106 consultation for proposed changes to Arecibo Observatory operations, Arecibo, Puerto Rico and notice of public scoping meetings and comment period.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended, the National Science Foundation (NSF) intends to prepare an Environmental Impact Statement (EIS) to evaluate potential environmental effects of proposed changes to operations at Arecibo Observatory, in Arecibo, Puerto Rico. (See supplementary information below for more detail.) By this notice, NSF is announcing the beginning of the scoping process to solicit public comments and identify issues to be analyzed in the EIS. NSF also intends to initiate consultation under Section 106 of the National Historic Preservation Act to evaluate potential effects to the Arecibo Observatory, which is a historic property listed in the National Register of Historic Places.

**DATES:** This notice initiates the public scoping process for the EIS and the initiation of public involvement under Section 106 per 36 CFR 800.2(d). Comments on issues may be submitted verbally during scoping meetings scheduled for June 7, 2016 (see details below) or in writing until June 23, 2016. To be eligible for inclusion in the Draft EIS, all comments must be received prior to the close of the scoping period. NSF will provide additional opportunities for public participation upon publication of the Draft EIS.

**ADDRESSES:** You may submit comments related to this proposal by either of the following methods:

- *Email to:* [envcomp-AST@nsf.gov](mailto:envcomp-AST@nsf.gov), with subject line "Arecibo Observatory."

- *Mail to:* Ms. Elizabeth Pentecost, RE: Arecibo Observatory, National Science Foundation, Suite 1045, 4201 Wilson Blvd., Arlington, VA 22230.

*Scoping Meetings:* NSF will host two public scoping meetings.

- *Daytime meeting:* June 7, 2016, at 9:30 a.m. to 11:30 a.m., DoubleTree by

Hilton San Juan, 105 Avenida De Diego, San Juan, PR, Phone: (787) 721-6500.

- *Evening meeting:* June 7, 2016, 6:00 p.m. to 8:00 p.m., Colegio de Ingenieros y Agrimensores de Puerto Rico/Puerto Rico Professional College of Engineers and Land Surveyors (Arecibo Chapter), Ave. Manuel T. Guillán Urdáz, Conector 129 Carr. 10, Arecibo, Puerto Rico, Phone: (787) 758-2250.

Comments will be transcribed by a court reporter. Spanish language translation will be provided for simultaneous translation of presentations. Please contact NSF at least one week in advance of the meeting if you would like to request special accommodations (*i.e.*, sign language interpretation, etc.).

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the EIS process or Section 106 consultation, please contact: Ms. Elizabeth Pentecost, National Science Foundation, Division of Astronomical Sciences, Suite 1045, 4201 Wilson Blvd., Arlington, VA 22230; telephone: (703) 292-4907; email: [epenteco@nsf.gov](mailto:epenteco@nsf.gov).

**SUPPLEMENTARY INFORMATION:** The Arecibo Observatory is an NSF-owned scientific research and education facility located in Puerto Rico. In 2011, NSF awarded a five-year Cooperative Agreement to SRI International (SRI), which together with Universities Space Research Association (USRA) and Universidad Metropolitana (UMET) have formed the Arecibo Management Team to operate and maintain the Arecibo Observatory for the benefit of research communities. Arecibo Observatory enables research in three scientific disciplines: Space and atmospheric sciences, radio astronomy, and solar system radar studies; the last of these is largely funded through a research award to USRA from the National Aeronautics and Space Administration. An education and public outreach program complements the Arecibo Observatory scientific program. A key component of the Arecibo Observatory research facility is a 305-meter diameter, fixed, spherical reflector. Arecibo Observatory infrastructure includes instrumentation for radio and radar astronomy, ionospheric physics, office and laboratory buildings, a heavily utilized visitor and education facility, and lodging facilities for visiting scientists.

Through a series of academic community-based reviews, NSF has identified the need to divest several facilities from its portfolio in order to retain the balance of capabilities needed to deliver the best performance on the key science of the present decade and

beyond. In 2012, NSF's Division of Astronomical Sciences' (AST's) portfolio review committee recommended that "continued AST involvement in Arecibo . . . be re-evaluated later in the decade in light of the science opportunities and budget forecasts at that time." In 2016, NSF's Division of Atmospheric and Geospace Sciences' (AGS') portfolio review committee recommended significantly decreasing funding for the Space and Atmospheric Sciences portion of the Arecibo mission. In response to these evolving recommendations, in 2016, NSF completed a feasibility study to inform and define options for the observatory's future disposition that would involve significantly decreasing or eliminating NSF funding of Arecibo. Concurrently, NSF sought viable concepts of operations from the scientific community via a Dear Colleague Letter NSF 16-005 (see [www.nsf.gov/AST](http://www.nsf.gov/AST)), with responses due by January 15, 2016. Alternatives to be evaluated in the EIS will be refined through continued public input, with preliminary alternatives that include the following:

- Continued NSF investment for science-focused operations (No-Action Alternative)
- Collaboration with interested parties for continued science-focused operations
- Collaboration with interested parties for transition to education-focused operations
- Mothballing of facilities (suspension of operations in a manner such that operations could resume efficiently at some future date)
- Deconstruction and site restoration

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including identification of viable alternatives, and guide the process for developing the EIS. At present, NSF has identified the following preliminary resource areas for analysis of potential impacts: Air quality, biological resources, cultural resources, geological resources, solid waste generation, health and safety, socioeconomics, traffic, and groundwater resources. NSF will consult under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act in coordination with this EIS process, as appropriate. Federal, state, and local agencies, along with other stakeholders that may be interested or affected by NSF's decision on this proposal are invited to participate in the scoping

process and, if eligible, may request to participate as a cooperating agency.

**Proposal Information:** Information will be posted, throughout the EIS process, at [www.nsf.gov/AST](http://www.nsf.gov/AST).

Dated: May 18, 2016.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

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**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445, 50-446, and 72-74; License Nos. NPF-87 and NPF-89; NRC-2016-0020]

### In the Matter of Luminant Generation Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2, and Independent Spent Fuel Storage Installation Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct and indirect transfer of license; order.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an order approving the direct transfer of ownership and indirect transfer of control of Facility Operating License (FOL) Nos. NPF-87 and NPF-89 and the general license for the independent spent fuel storage installation facility from the current holder, Luminant Generation Company LLC, to as-yet unnamed companies, herein identified as Comanche Peak LLC, as owner, and Operating Company LLC, as operator. The NRC will issue conforming amendments to the FOLs for administrative purposes to reflect the proposed license transfer. No physical changes to the facility or operational changes were proposed in the application. The Order is effective upon issuance.

**DATES:** The Order was issued on May 6, 2016, and is effective for 1 year.

**ADDRESSES:** Please refer to Docket ID NRC-2016-0020 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-2016-0020. 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 "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 document (if that document is available in ADAMS) is provided the first time that a document is referenced. The Order was issued to the licensee in a letter dated May 6, 2016 (ADAMS Accession No. ML16096A266).

- **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:** Margaret Watford, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1233, email: [Margaret.Watford@nrc.gov](mailto:Margaret.Watford@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated at Rockville, Maryland, this 16th day of May 2016.

For the Nuclear Regulatory Commission.

**Margaret M. Watford,**

*Project Manager, Plant Licensing Branch IV-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

### Attachment—Order Approving Transfer of Licenses and Approving Conforming Amendments

#### United States of America

#### Nuclear Regulatory Commission

In the Matter of Luminant Generation Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2

Dockets Nos. 50-445 and 50-446  
License Nos. NPF-87 and NPF-89

#### Order Approving the Transfer of Licenses and Approving Conforming Amendments

##### I.

Luminant Generation Company LLC (Luminant Power, the licensee) is the holder of the Facility Operating License (FOL) Nos. NPF-87 and NPF-89 of the Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 (CPNPP), and the holder of the general license for the independent spent fuel storage installation (ISFSI) facility. CPNPP is located in Somervell County, Texas.

##### II.

Pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.80, "Transfer of licenses," Luminant Generation Company LLC (Luminant Power) requested that the U.S. Nuclear Regulatory Commission (NRC) consent to the transfer of the FOL Nos. NPF-87 and NPF-89 for CPNPP, and the general license for the ISFSI facility (Docket No. 72-74) from the current holder, Luminant Power, to as-yet unnamed companies, herein identified as Comanche Peak LLC (CP LLC), as owner, and Operating Company LLC (OpCo LLC), as operator (together these entities are referred to as "the licensees"). Luminant Power submitted the request by application dated November 12, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15320A093), as supplemented by letters dated December 9, 2015, and March 14, March 29, April 7, and April 20, 2016 (ADAMS Accession Nos. ML15345A048, ML16076A162, ML16091A121, ML16099A291, and ML16112A396, respectively).

Luminant Power is acting on behalf of itself and the future to-be-formed companies. These future to-be-formed companies include the ultimate parent of CP LLC and OpCo LLC, Reorganized Texas Competitive Electric Holdings Corporation (Reorganized TCEH), and the intermediate parents, Intermediate Holding Company LLC, Asset Company LLC, and Preferred Stock Company Corporation (together with Luminant Power these entities are referred to as the "Applicants"). Entity names in the licensee's application and supplements are placeholders.

On April 29, 2014, Luminant Power notified the NRC of its filing of a bankruptcy (ADAMS Accession No. ML14120A212). Luminant Power is owned by Energy Future Competitive Holdings Company LLC (EFCH), through its wholly owned subsidiaries. The EFCH is a direct wholly owned subsidiary of Energy Future Holdings Corporation (EFH). The current and intended ownership structure of the facility is depicted in the simplified organizational charts provided in Exhibits A and B of Enclosure 1 in the submittal dated November 12, 2015. As a result of the proposed transactions and consistent with Exhibit B, EFH and EFCH will no longer ultimately own CPNPP. The licenses will be transferred from Luminant Power to CP LLC, responsible for ownership of the facility, and OpCo LLC, responsible for the operation and maintenance of CPNPP. At the emergence from bankruptcy, Reorganized TCEH, the ultimate parent company of CP LLC, will be owned by a numerous and diverse set of independent and unaffiliated stockholders. No single entity is expected to own a majority of, or exercise control over Reorganized TCEH or its Board of Directors. Current Luminant Power nuclear management and technical personnel will be employed by OpCo LLC. Accordingly, there will be no change in management or technical qualification, and OpCo LLC will continue to be technically qualified to operate the facility. No physical changes to the CPNPP and ISFSI facility or operational changes are proposed in the application.