

draft to Comprehensive Plan Public Comment, National Capital Planning Commission, 401 9th Street NW., Suite 500N, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Angela Dupont at (202) 482-7232 or compplan@ncpc.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing Addresses:

You may submit comments electronically at the public comment portal at <http://www.ncpc.gov/compplan>.

Authority: 40 U.S.C. 8721(e)(2).

Dated: September 29, 2015.

Anne R. Schuyler,
General Counsel.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247-LR and 50-286-LR
ASLBP No. 07-858-03-LR-BD01]

Atomic Safety and Licensing Board; In the Matter of Entergy Nuclear Operations, Inc.; Before Administrative Judges: Lawrence G. McDade, Chairman; Dr. Michael F. Kennedy; Dr. Richard E. Wardwell; (Indian Point Nuclear Generating Units 2 and 3)

October 1, 2015.

Notice

(Track 2 Hearing Venue)

As announced in the April 23, 2015, Notice of Hearing, the Board will receive oral testimony on the pre-filed evidentiary submissions for three contentions between November 16 and 20, 2015.¹

The venue for this evidentiary hearing will be the DoubleTree Hotel located at 455 South Broadway, Tarrytown, NY 10591. The hearing will commence at 12 p.m. on Monday, November 16, 2015. The start time for each subsequent day will be announced at the hearing itself. The contentions will be heard in numerical order.

Parties are reminded that any motion for cross-examination shall be filed via the Electronic Information Exchange and served on all other parties no later than October 9, 2015, and that proposed question and cross-examination plans shall be filed *in camera* by that same date.²

¹ Licensing Board Notice of Hearing (Scheduling Track 2 Hearing) (April 23, 2015) at 1 (unpublished).

² This deadline is set 30 days after New York submitted its Supplemental Testimony and

The Board will hold a pre-hearing conference via telephone during either the week of October 25 or the week of November 1, 2015. Counsel shall notify the Board of any date and time during that period when they would not be available for a conference. Such notice shall include the reason why counsel would not be available.

All parties, and interested governmental entities, shall notify the Board of who will be representing them at the hearing and also provide notice of the number of seats they will need at or near counsel table for attorneys, paralegals, and other support personnel. This notice should be made promptly, but in no event later than October 22, 2015.

In addition, if any witness for whom written testimony was submitted will not be available at the hearing, notice shall be provided to the Board immediately upon learning of witness's unavailability.

All notifications to the Board, including pre-hearing conference availability, representation at the hearing, and witness unavailability, shall be sent by email to the Board's law clerks, Alana Wase and Julie Reynolds-Engel, at alana.wase@nrc.gov and julie.reynolds-engel@nrc.gov.

Parties wishing to reserve conference-room space in the hotel for the duration of the hearing must contact the hotel directly at 914-631-5700.

Dated: Rockville, Maryland, October 1, 2015.

For the Atomic Safety and Licensing Board.

Lawrence G. McDade,
Chairman, Administrative Judge.

[FR Doc. 2015-25565 Filed 10-6-15; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-00235; NRC-2015-0216]

AAR Site, Livonia, Michigan

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of completion of remediation; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is noticing the completion of remediation activities at the Brooks and Perkins Site at 12633 Inkster Road, in Livonia, Michigan.

DATES: This notice is effective as of September 23, 2015.

Statements of Position. See Licensing Board Scheduling Order (July 1, 2010) at 15-16 (unpublished).

ADDRESSES: Please refer to Docket ID NRC-2015-0216 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-2015-0216. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: 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. 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.

FOR FURTHER INFORMATION CONTACT: Theodore Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6721, email: Theodore.Smith@nrc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Atomic Energy Commission (AEC) issued License STB-0362 to Brooks and Perkins on January 17, 1957, and the license was terminated by the AEC on May 17, 1971. This license authorized Brooks and Perkins to conduct licensed activities at the site using thorium master alloy and thorium magnesium alloy.

In 1981, the AAR Corporation (AAR) purchased Brooks and Perkins and obtained ownership of the land. On February 23, 1994, an NRC inspector conducted an inspection of the AAR site, and subsequently notified AAR by letter dated March 29, 1994, that the NRC had "concluded that thorium was improperly disposed of at the site and certain areas of the building and grounds were in excess of the NRC

release criteria for release of the facility for unrestricted use.” The AAR Corporation was directed to schedule and plan to characterize the extent of the contamination and to decontaminate the area to current NRC release criteria (ADAMS Accession No. ML110670259).

The AAR site was subsequently legally divided into the Eastern and Western Parcels. The NRC staff had previously evaluated the Eastern Parcel of the AAR site, and in December 2009, determined that the potential dose from the Eastern Parcel was in conformance with the dose criteria for unrestricted use (ADAMS Accession No. ML093490979).

In 2013, the NRC approved a plan to remediate the Western Parcel of the site in accordance with an AAR proposed Site Remedial Action Work Plan (Work Plan) as amended (letters dated August 7, 2013, and October 30, 2013; ADAMS Accession Nos. ML13220A447 and ML13308A323, respectively). The Work Plan proposed that soil within 32 specified grids containing thorium be excavated to a depth of 1 meter (m) and transported offsite for disposal at a facility in Belleville, Michigan, known as the Wayne Disposal Facility. The excavated areas were to be backfilled with clean fill.

As part of the review of the Work Plan, the NRC staff independently evaluated the dose using a dose assessment that staff performed in 2009 (ADAMS Accession No. ML093490979), as a basis for determining dose for the expected concentrations that would remain at the AAR site. The maximum dose determined by the NRC staff for these expected concentrations is 14 mrem/yr, projected to occur at time around 600 years.

From April to July 2014, AAR conducted remediation of the 32 grids at the site. On May 21, 2015 (ADAMS Package Accession No. ML15148A656), AAR submitted a “Project Completion Report and Request for Approval of Unrestricted Use Designation, AAR Corporation, 12633 Inkster Road, Livonia, Michigan, 48150, Western Parcel, Strategic Waste Excavation and Site Restoration Project” (Completion Report). The Completion Report states that the grids specified in the Work Plan were excavated.

The NRC staff and its contractor observed and inspected work at the AAR site several times during the remediation. During the final NRC staff’s visit in July 2014, the NRC staff walked the site with a survey instrument and confirmed that the 32 specified grids were excavated per the Work Plan commitment.

The NRC Region III Inspectors performed an inspection at the AAR facility during part of the remediation activities. Results of the inspection are documented in NRC Inspection Report 040–00235/2013–001 (DNMS), dated February 24, 2015, (ADAMS Accession No. ML15056A162). The report concluded that AAR conducted the remediation in accordance with the Work Plan. The report also concluded that the licensee (Solutient, AAR’s contractor) had complied with NRC and Department of Transportation regulations for shipments of radioactive waste.

The NRC staff concludes that AAR met the commitments to excavate the 32 specified grids and to dispose the excavated material offsite at an appropriate facility.

Based on the considerations discussed above, the NRC staff concluded that: (1) Radioactive material above release limits has been properly disposed for both Eastern and Western Parcels of the site; (2) reasonable effort has been made to eliminate residual radioactive contamination; and (3) final site surveys and associated documentation demonstrate that the entire site is suitable for unrestricted release in accordance with the criteria in 10 CFR part 20, subpart E.

Therefore, the AAR site at 12633 Inkster Road, Livonia, Michigan, is suitable for unrestricted use.

Dated at Rockville, Maryland, this 23rd day of September, 2015.

For the Nuclear Regulatory Commission.

Larry W. Camper,

Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8943; ASLBP No. 08–867–02–OLA–BD01]

Atomic Safety and Licensing Board; In the Matter of Crow Butte Resources, Inc. (License Renewal for the In Situ Leach Facility, Crawford, Nebraska); Notice of Supplemental Hearing

September 25, 2015.

Before Administrative Judges: Michael M. Gibson, Chair, Dr. Richard E. Wardwell, Brian K. Hajek, Alan S. Rosenthal (Special Assistant to the Board).

The Atomic Safety and Licensing Board (Board) hereby gives notice that it will convene a supplemental

evidentiary hearing to receive testimony regarding Crow Butte Resources’ (Crow Butte) contested application to renew its U.S. Nuclear Regulatory Commission (NRC) license to operate an in-situ uranium leach recovery facility near Crawford, Nebraska.¹

I. Background of Proceeding

On May 27, 2008, notice of the Crow Butte License Renewal Application was published in the **Federal Register**.² Three groups petitioned to intervene as parties in the proceeding and requested an evidentiary hearing be held on the application.³ On November 21, 2008, the Board granted two of the petitions,⁴ admitting the Oglala Sioux Tribe and Consolidated Intervenor⁵ as parties.⁶ At that time, the Board admitted nine contentions proposed by the intervenors.⁷ Shortly thereafter, on December 10, 2008, the Board admitted a tenth contention.⁸ The NRC Staff and Crow Butte appealed the Board’s admission of the contentions.⁹ On appeal, the Commission affirmed the intervenors’ standing, and affirmed the admissibility of four of the ten contentions.¹⁰ On January 5, 2015, the Oglala Sioux Tribe and Consolidated Intervenor⁵ moved to admit new contentions based on the Environmental

¹ Application for 2007 License Renewal USNRC Source Materials License SUA–1534 Crow Butte License Area (Nov. 2007) (ADAMS Accession No. ML073480264) [hereinafter License Renewal Application]. “ADAMS” refers to the NRC’s public document management system, and is discussed more below.

² Notice of Opportunity for Hearing, Crow Butte Resources, Inc., Crawford, NE., *In Situ Leach Recovery Facility*, 73 FR 30,426 (May 27, 2008).

³ Oglala Delegation of the Great Sioux Nation Treaty Council Request for Hearing and Petition for Leave to Intervene (July 30, 2008) (ADAMS Accession No. ML082170263); Oglala Sioux Tribe Request for Hearing and/or Petition to Intervene (July 29, 2008) (ADAMS Accession No. ML082170264); Consolidated Request for Hearing and Petition for Leave to Intervene (July 28, 2008) (ADAMS Accession No. ML082170525).

⁴ See LBP–08–24, 68 NRC 691, 760 (2008).

⁵ *Id.* Although originally named Consolidated Petitioners, the Board now refers to Beatrice Long Visitor Holy Dance, Debra White Plume, Thomas Kanatakeniate Cook, Loretta Afraid of Bear Cook, Afraid of Bear/Cook Tiwahe, Joe American Horse, Sr., American Horse Tiospaye, Owe Aku/Bring Back the Way, and the Western Nebraska Resources Council as Consolidated Intervenor⁵.

⁶ The Board denied a request to intervene by the Oglala Delegation of the Great Sioux Nation Treaty Council, but admitted the delegation as an interested local government body. *Id.*

⁷ *Id.* at 760–61.

⁸ See LBP–08–27, 68 NRC 951, 957 (2008).

⁹ NRC Staff’s Notice of Appeal of LBP–08–24, Licensing Board’s Order of November 21, 2008, and Accompanying Brief (Dec. 10, 2008) (ADAMS Accession No. ML083450781); Crow Butte Resources’ Notice of Appeal of LBP–08–24 (Dec. 10, 2008) (ADAMS Accession No. ML083450359).

¹⁰ See CLI–09–9, 69 NRC 331, 366 (2009).