

and geography and changes from prior SPPA's conducted in 1982, 1985, 1992, and 1997. The results will be used by arts administrators, researchers, and policymakers at the national, state, and local level.

ADDRESSES: Tom Bradshaw, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Room 617, Washington, DC 20506-0001, telephone 202/682-5432 (this is not a toll-free number), fsx 202/682-5677.

Kathy Plowitz-Warden,

Panel Coordinator, National Endowment for the Arts.

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NUCLEAR REGULATORY COMMISSION

Notice of Denial—Completion of Ground-Water Restoration in Unit 1 Wellfield, Crow Butte Resources, Dawes County, NE

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of denial.

SUMMARY: On March 29, 2002, the U.S. Nuclear Regulatory Commission (NRC) denied the requested approval of ground-water restoration completion in the Unit 1 wellfield at the Crow Butte Resources, Incorporated, *In Situ* Leach (ISL) uranium extraction facility located near the town of Crawford, Dawes County, Nebraska. The facility is licensed to process and possess natural uranium by Materials License Number SUA-1534, issued in accordance with Title 10 Code of Federal Regulations (CFR) part 40.

Crow Butte Resources, Incorporated, (the licensee) requested approval for completing ground-water restoration in its Unit 1 wellfield, upon concluding activities that resulted in contaminant concentrations within the uranium ore zone of the Chadron Aquifer reaching acceptable levels, determined to be protective of public health and the environment. NRC denied the licensee's request for approval, based on a finding that the licensee did not demonstrate that Unit 1 restoration activities would result in future constituent levels remaining at levels protective of human health and the environment, in accordance with 10 CFR 40.31(h) and Criterion 5F, 10 CFR part 40, Appendix A. In addition, the licensee is required to immediately restart stabilization ground-water monitoring in Unit 1 at the monitoring locations described in the January 10, 2000, Restoration

Report. The ground-water shall be sampled and analyzed for the constituents listed in License Condition 10.3B, SUA-1534, on a schedule of at least 14 days apart. The wellfield restoration shall be considered stable if four consecutive sampling episodes show no strongly increasing concentration trends for *all* monitored constituents, on a wellfield average, as described in Section 6.1.3, "Standard Review Plan for *In Situ* Leach Uranium Extraction License Applications," NUREG-1569.

At that time, the licensee shall submit a written report for NRC review and approval, which provides a tabulation of all stability monitoring data for Unit 1, graphics showing time versus concentration of each monitored constituent, and analyses that demonstrate the restored constituent concentrations are within license limits and are stable. Stability monitoring should continue until four consecutive sampling episodes show no strongly increasing concentration trends. Wellfield restoration activities should be immediately re-initiated in Unit 1 if the concentration of any monitored constituent exceeds its license limit. The licensee should also revise its ground-water restoration plan to reflect a stability monitoring period which will allow all constituents to reach stability before ceasing the monitoring. This revision should be submitted for NRC review and approval in the form of an amendment to License Condition 10.3C, SUA-1534.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of NRC's Denial letter and the accompanying Technical Evaluation Report (Accession Number ML020930087) is available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room).

Pursuant to 10 CFR 2.108(b) the licensee shall have 30 days from the date of this Notice of Denial to file a petition, requesting a hearing before the Atomic Safety Licensing Board Panel on this denial.

FOR FURTHER INFORMATION CONTACT: Michael Layton @ 301 415 6676 or mcl@nrc.gov.

Dated at Rockville, Maryland, this 15th day of April, 2002.

For the Nuclear Regulatory Commission.

Robert Pierson,

Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72-12 AND 50-333; License No. DPR-59]

Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nuclear Power Plant; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated February 21, 2002, Mr. Timothy Judson of the Citizens Awareness Network, *et al.* (petitioner) has requested that the Nuclear Regulatory Commission (NRC) take action with regard to Entergy's James A. FitzPatrick Interim Spent Fuel Storage Installation (ISFSI).

The petitioner requests the following:

1. That the NRC order Entergy to suspend the dry cask storage program at the FitzPatrick reactor.
2. That the NRC require Entergy to:
 - Demonstrate that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)-(5);
 - Submit its proposed design changes for technical review in the form of a license amendment application and seek regulatory approval for them pursuant to § 72.244;
 - Evaluate its use of the HI-TRAC 100 transfer cask for ALARA standards, per part 50, Appendix I;
 - Provide more substantial physical and structural protection of the irradiated fuel and ISFSI to satisfy the requirements of §§ 73.51, 73.55; and
 - Demonstrate the use of the HI-STORM 100 can satisfy these requirements at FitzPatrick, or demonstrate countervailing and compelling reasons to utilize the HI-STORM 100 at FitzPatrick, as opposed to any other casks certified by NRC.
3. That all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection.
4. That the Petition Review Board submit this petition to the NRC's Office of the Inspector General (OIG) for