

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](mailto: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.*

[FR Doc. 02-9733 Filed 4-19-02; 8:45 am]

**BILLING CODE 7590-01-P**

## 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

review of the Spent Fuel Project Office's compliance with regard to NRC regulations in terms of design changes, licensing, amendments, exemptions and ALARA in its permitting process relating to the use of dry cask storage at FitzPatrick. Additionally, that a review be conducted to determine whether NRC staff in the Spent Fuel Project Office are complicit or misguided in permitting design changes to these casks without submission of a license amendment.

5. That the NRC conduct an investigation to determine whether Entergy has deliberately circumvented the appropriate technical and regulatory review required to protect worker and public health and safety and the environment.

As the basis for this request, the petitioner states several safety concerns related to the design changes associated with the HI-STORM 100 cask design, as well as safety concerns related to national security.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioner participated in a telephone call with the Office of Nuclear Material Safety and Safeguards' Petition Review Board on March 29, 2002, to discuss the petition. The results of that discussion were considered in the Board's determination regarding the petitioner's request for immediate action and in establishing the schedule for review of the petition. By letter dated April 12, 2002, the Director denied the petitioner's request for immediate issuance of an order to suspend the dry cask storage program at the James A. FitzPatrick nuclear power plant. A copy of the petition is available for inspection in the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 12th day of April, 2002.

For the Nuclear Regulatory Commission.  
**Margaret V. Federline,**  
*Deputy Director, Office of Nuclear Material Safety and Safeguards.*  
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**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### **Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of License No. DPR-40 for an Additional Twenty-Year Period: Correction**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application for the renewal of Operating License No. DPR-40, which authorizes the Omaha Public Power District to operate Fort Calhoun Station, Unit 1 (FCS), at 1500 megawatts thermal. The renewed license would authorize the applicant to operate FCS for an additional 20 years beyond the period specified in the current license or forty years from the date of issuance of the new license, whichever occurs first. The current operating license for FCS expires on August 9, 2013.

The Omaha Public Power District submitted an application to renew the operating license for FCS, on January 11, 2002. A Notice of Receipt of Application, "Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Receipt of Application for Renewal of Facility Operating License No. DPR-40 for an Additional 20-Year Period," was published in the **Federal Register** on February 12, 2002 (67 FR 6551).

The NRC staff has determined that the Omaha Public Power District has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket No. 50-285 for Operating License No. DPR-40, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

This notice is also being issued as a correction to an earlier notice entitled "Omaha Public Power District (OPPD), Fort Calhoun Station, Unit 1; Notice of Receipt of Application for Renewal of Facility Operating License No. DPR-40 for an Additional 20-Year Period," issued on April 16, 2002 (67 FR 18639). The earlier notice contained an

incorrect title and date. This notice provides the correct title as set forth in the heading of this document, and allows stakeholders until May 22, 2002 to file a request for hearing and a petition for leave to intervene (see below).

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By May 22, 2002, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC