

from the ISFSI and TS 3/4.2 requires a measurement of the boron concentration of the water in the spent fuel pool before water is introduced to the cask during the unloading process.

The absence of specific requirements in the TS to control the unloading process does not diminish the importance that the NRC staff places on this activity or the validity of the Petitioners' concerns. The NRC staff believes that other regulatory requirements provide an equivalent level of protection to the Petitioners' request to include specific requirements in the TS to control the unloading of a TN-40 cask. The administrative controls in the TS for the Prairie Island ISFSI require that the associated procedures, including the unloading procedure, be prepared, reviewed, and maintained in accordance with the requirements of the Prairie Island Nuclear Generating Plant Facility Operating Licenses and associated TS. In addition, under existing NRC requirements, the licensee must adequately implement procedures to control loading, maintaining, and unloading of dry storage casks (see 10 CFR 72.122, 10 CFR 72.150, and 10 CFR 72.152). For example, the NRC inspection documented in Inspection Report 50-282/95002; 50-306/95002; 72-10/95002(DRP) resulted in a Notice of Violation issued to the licensee because the licensee failed to satisfy the NRC's requirements in Criterion V of Appendix B to 10 CFR Part 50 by not having incorporated appropriate steps and precautions into the original procedure developed to control unloading of a TN-40 cask. As demonstrated by the example, no changes to the TS or the Safety Analysis Report (SAR) are needed to ensure that enforceable operating controls and limits are in place to address the unloading of a cask.

In regard to another concern raised by the Petitioners, the Prairie Island ISFSI SAR and other docketed correspondence do state that unloading a TN-40 cask would be performed using a procedure that is basically the reverse of the procedure used to load the cask. Although this statement, in a general sense, is true, the NRC staff agrees with the Petitioners that such statements may be misleading in that they oversimplify the description of the unloading activity. For this reason, the NRC staff included an item related to unloading procedures in its dry cask storage action plan to ensure that actual unloading procedures did not reflect such an oversimplified representation. The unloading procedure for the dry storage casks at Prairie Island was inspected by the NRC staff and, as previously

discussed, was ultimately found to provide adequate guidance to control the unloading process.

#### IV. Conclusion

For the reasons described above, the NRC has determined that no adequate basis exists for granting the Petitioners' request for suspension of Northern States Power Company's license for dry cask storage of spent nuclear fuel at Prairie Island or for taking the other actions requested by the Petitioners. While acknowledging that the Petitioners' concerns regarding the potential difficulties in retrieving failed fuel from dry storage casks are legitimate, the NRC staff has concluded that licensees need not be required to incorporate specific guidance into the normal unloading procedure to address this unlikely situation.

A copy of this decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c).

As provided by this regulation, this decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 29th day of August 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-23696 Filed 9-5-97; 8:45 am]

BILLING CODE 7690-01-P

## NUCLEAR REGULATORY COMMISSION

### Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.70, "Use of Fixed Neutron Absorbers at Fuels and Materials Facilities," provides guidance that is acceptable to the NRC staff on procedures for preventing criticality accidents by using fixed neutron absorbers in operations involving handling, storing, and transporting

special nuclear fuels at fuels and materials facilities.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Single copies of regulatory guides, both active and draft guides, may be obtained free of charge by writing the Office of Administration, Attn: Printing, Graphics and Distribution Branch, USNRC, Washington, DC 20555-0001, or by fax at (301) 415-5272. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 9th day of August 1997.

For the Nuclear Regulatory Commission.

**Malcolm R. Knapp,**

*Acting Director, Office of Nuclear Regulatory Research.*

[FR Doc. 97-23698 Filed 9-5-97; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings, Agreements Filed During the Week of August 29, 1997

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket Number:* OST-97-2862.

*Date Filed:* August 27, 1997.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC1 0049 dated August 26, 1997 r1-3, PTC1 0050 dated August 26, 1997 r4-7. Expedited TC1 Resolutions (Summaries attached.) Intended effective date: October 1, 1997.

*Docket Number:* OST-97-2861.

*Date Filed:* August 27, 1997.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC 0048 dated August 26, 1997 r1-4. Expedited TC1 Longhaul