

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

Resos (Summary attached.) Intended effective date: October 1, 1997.

Docket Number: OST-97-2868.

Date Filed: August 29, 1997.

Parties: Members of the International Air Transport Association.

Subject: PAC/Reso/394 dated July 11, 1997. Finally Adopted Resolutions r1-19. Minutes—PAC/Meet/148 dated July 11, 1997. (Summary attached.) Intended effective date: November 1, 1997.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97-23702 Filed 9-5-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

Notification of Fiscal Year 1998 Certification Reviews of the Metropolitan Planning Process in Transportation Management Areas

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

ACTION: Notice; request for comments.

SUMMARY: Under section 134 of title 23, United States Code (title 23, U.S.C.), and section 5303 of title 49, United States Code (title 49, U.S.C.), metropolitan planning organizations (MPOs), in cooperation with States, shall develop transportation plans and improvement programs for urbanized areas (urban areas of 50,000 or more in population). In a transportation management area (TMA), which is an urbanized area over 200,000 in population or other urbanized areas designated by the Secretary of Transportation (the Secretary), the Secretary is responsible for certifying, at least once every three years, that the metropolitan transportation planning process in the TMA is being carried out under applicable provisions of Federal law. This notice announces the metropolitan transportation planning processes that will be jointly reviewed by the FHWA and the FTA during Federal fiscal year (FY) 1998 (October 1, 1997 through September 30, 1998), as known at this time. Interested parties are invited to submit comments on the individual planning processes to be reviewed.

DATES: Comments on metropolitan transportation planning processes under

review must be received within sixty (60) days of the scheduled site review in order to be considered during the certification review process. The dates for site visits in specific TMAs to be reviewed may be obtained by contacting the appropriate FHWA or FTA Regional office shown below.

ADDRESSES: Signed, written comments should identify the metropolitan area that the comments pertain to and should be submitted to the appropriate FHWA or the FTA regional office identified below.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Sheldon Edner, FHWA Metropolitan Planning Division (HEP-20), 202-366-4066 or Mr. Reid Alsop, FHWA Office of the Chief Counsel (HCC-31), 202-366-1371. For the FTA: Mr. Charles Goodman, FTA Metropolitan Planning Division (TPL-12), 202-366-1944 or Mr. Scott Biehl, FTA Office of the Chief Counsel (TCC-30), 202-366-4063. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Section 134 of title 23, U.S.C. and section 5303 of title 49, U.S.C. require a continuing, comprehensive, and coordinated transportation planning process in urbanized areas over 50,000 in population. In accordance with these statutes, the Secretary is responsible for certifying, at least once every three years, that the metropolitan planning processes in TMAs are being carried out under applicable provisions of Federal law. These requirements are included in the joint FHWA and FTA metropolitan transportation planning regulation (at 23 CFR part 450, subpart C and 49 CFR part 613, subpart A) which was published on October 28, 1993 (58 FR 58040). Under the regulation, the FHWA and the FTA will jointly review and evaluate the planning process in each TMA as the basis for the certification by the Secretary.

Public Involvement in Certification Process

The FHWA and the FTA are soliciting public comment on the metropolitan transportation planning processes in TMAs that will be reviewed during FY 1998. Both agencies are particularly interested in receiving information

regarding the strengths and weaknesses of various components of the planning processes identified at 23 CFR part 450, subpart C, Metropolitan Transportation Planning and Programming.

Additionally, the views of local officials and the public are welcomed regarding the overall effectiveness of the planning process in making transportation investment decisions.

Schedule of FY 1998 Certification Reviews

The specific dates for site visits for the TMAs to be reviewed during FY 1998 may be obtained by contacting the appropriate FHWA or FTA regional office at the telephone numbers or addresses shown below. Parties interested in providing comments on the metropolitan transportation planning processes for the identified areas should submit them to either the FHWA or the FTA field office identified for the specific TMA that the comments pertain to. All comments should clearly identify the metropolitan area that the comments address and should be submitted within 60 days of the scheduled review in order to be considered during the certification review process. Where specific dates for a planned certification review have not yet been established, the appropriate FHWA or FTA field office will advise parties that request the information when the dates have been set.

The site visits are intended to provide an opportunity for the joint FHWA and FTA review team to solicit information from the MPO, the State transportation agency, and the transit agency(s) regarding the implementation of the planning process. In addition, the team will utilize various mechanisms for soliciting public and local official input. The relevant MPO is being asked to provide public notice, through its regular public notice procedures, of the review and the opportunity to provide public input to the review team. Public officials should contact the appropriate MPO to identify processes set up to solicit local government input.

The results of the certification reviews will be made public through the regular MPO public information process at a time to be set by the MPO policy board after receipt of the joint FHWA/FTA report.

The areas to be reviewed in FY 1998 and Regional office contacts and addresses are in Table 1.