Radiation Safety Officer; and (4) development of license applications, procedures, and policies to meet license requirements, providing training to meet license requirements, and providing professional services to meet license requirements. NRC-licensed activities are those activities that are conducted pursuant to a specific or general NRC license, including, but not limited to, those activities of Agreement State licensees conducted in areas of NRC jurisdiction pursuant to the authority granted by 10 CFR 150.20.

3. For those facilities, other than Newark Medical Associates, P.A., where Dr. Ben-Haim was involved in NRC-licensed activities as of July 31, 1997, Dr. Ben-Haim must: (1) Immediately cease such activities; (2) inform the NRC of the name, address and telephone number of the NRC-licensed entities where the activities were being conducted; and (3) provide a copy of this order to all such NRC-licensed entities within five business days of any ruling by an NRC Atomic Safety and Licensing Board upholding the immediate effectiveness of this requirement of this Order or, if Dr. Ben-Haim does not challenge the immediate effectiveness of this Order, within five business days of the termination of the time to request a hearing in Section VI of this Order.

4. For those facilities, other than Newark Medical Associates, P.A., where Dr. Ben-Haim was involved in NRC-licensed activities for the period beginning three years prior to the date of this Order, Dr. Ben-Haim must, within 30 days of the date of this Order, inform the NRC of the name, address and telephone number of the NRC-licensed entities where those activities were conducted.

5. For the five years immediately following the five year prohibition in paragraph V.2, the first time that Dr. Ben-Haim is employed or involved in NRC-licensed activities following the five year prohibition, he shall notify the Director, Office of Enforcement, at the address in Section VI below, within 20 days of engaging in NRC-licensed activities, including activities under an Agreement State license when activities under that license are conducted in areas of NRC jurisdiction pursuant to 10 CFR 150.20. This notice shall include the name, address, and telephone number of the NRC or Agreement State licensee and the location where licensed activities will be performed; and shall include a statement as to why the NRC should have confidence that Dr. Ben-Haim will not, in the future, commit deliberate violations of Commission requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

VI

In accordance with 10 CFR 2.202, Dr. Ben-Haim must, and any other person adversely affected by this Order may, submit an answer to this Order and may request a hearing on this Order, on or before September 19, 1997. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Dr. Ben-Haim may consent to this Order. Unless Dr. Ben-Haim consents to this Order, Dr. Ben-Haim shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Dr. Ben-Haim or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Atomic Safety and Licensing Board appointed to preside in this proceeding. Copies shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Dr. Ben-Haim if the answer or hearing request is by a person other than Dr. Ben-Haim. If a person other than Dr. Ben-Haim requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Dr. Ben-Haim or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Dr. Ben-Haim may, in addition to demanding a hearing, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The Atomic Safety and Licensing Board designated to preside in the proceeding on the Order of July 31, 1997, has already granted a joint motion in which it set September 3, 1997, as the date by which Dr. Ben-Haim should move to set aside the immediate effectiveness of this Order.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final on September 19, 1997, without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An Answer or a Request for Hearing Shall Not Stay the Immediate Effectiveness of this Order.*

Dated at Rockville, Maryland this 27th day of August 1997.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 97–23695 Filed 9–5–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/ Export Nuclear Waste

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for licenses to import and export radioactive waste materials. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington D.C. 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

The information concerning the application follows.

NRC Import and Export License Applications

Name of applicant; date of application, date received, application number	Description of material			Country of origin
	Material type	Total (kilograms)qty	End use	
Diversified Scientific Services .... July 23, 1997 July 25, 1997 IW004	Radioactive waste in the form of liquid products.	15,000,000	For processing into solids & return to Canada.	Canada.
Diversified Scientific Services .... July 23, 1997 July 25, 1997 XW002	Radioactive waste in the form of solids.	15,000,000	Rtn of waste after processing	Canada.

Dated this 28th day of August 1997 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

Director, Division of Nonproliferation, Exports and Multilateral Relations Office of International Programs.

[FR Doc. 97–23699 Filed 9–5–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–282, 50–306 and 72–10]

Northern States Power Company, Prairie Island Nuclear Plant and Prairie Island Independent Spent Fuel Storage Installation, Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated May 28, 1997, filed by the Prairie Island Indian Community (Petitioners) under Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Petition requested that the NRC (1) determine that Northern States Power Company (the licensee) violated the requirements of 10 CFR 72.122(l) by using its Materials License No. SNM–2506 for an Independent Spent Fuel Storage Installation (ISFSI) prior to establishing conditions for safely unloading the TN–40 dry storage containers; (2) suspend Materials License No. SNM–2506 for cause under 10 CFR 50.100 until such time as all significant issues in the unloading process, as described in the Petition, have been resolved, the unloading process has been demonstrated, and until an independent third-party review of the TN–40 unloading procedure has been conducted; (3) provide Petitioners an opportunity to participate fully in the reviewing of the unloading procedure for the TN–40 cask, hold hearings and allow Petitioners to participate fully in these and any other procedures initiated in response to the Petition; and (4) update the Technical Specifications for the Prairie Island ISFSI to incorporate mandatory unloading procedure requirements.

The Director of the Office of Nuclear Reactor Regulation has determined that the Petition should be denied for the reasons stated in the "Director's Decision Under 10 CFR 2.206" (DD–97–18), the complete text of which follows this notice. The decision and documents cited in the decision are available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, MN.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided therein, this decision will become 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.

Director's Decision Under 10 CFR 2.206

I. Introduction

On May 28, 1997, the Prairie Island Indian Community filed a Petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) requesting that the U.S. Nuclear Regulatory Commission (NRC) take action to accomplish the following:

1. Determine that Northern States Power (NSP) violated the requirements of 10 CFR 72.122(l) by using its Materials License No. SNM–2506 for an Independent Spent Fuel Storage Installation (ISFSI) prior to establishing conditions for safely unloading the TN–40 dry storage containers;

2. Suspend Materials License No. SNM–2506 for cause under 10 CFR 50.100 until such time as all significant issues in the unloading process, as described herein [the Petition], have been resolved, the unloading process has been demonstrated, and until an independent third-party review of the TN–40 unloading procedure has been conducted;

3. Provide Petitioners an opportunity to participate fully in the reviewing of the unloading procedure for the TN–40 cask, hold hearings and allow Petitioners to participate fully in these and any other procedures initiated in response to this Petition; and

4. Update the Technical Specifications (TS) for the Prairie Island ISFSI to incorporate mandatory unloading procedure requirements.

The Petition has been referred to me pursuant to 10 CFR 2.206. The NRC letter dated June 27, 1997, to Byron White, on behalf of the Petitioners, acknowledged receipt of the Petition and provided the NRC staff's determination that the Petition did not require immediate action by the NRC. A notice of receipt was published in the **Federal Register** on July 3, 1997 (62 FR 36085).

On the basis of the NRC staff's evaluation of the issues and for the reasons given below, the Petitioners' requests are denied.

II. Background

On October 19, 1993, the NRC issued Materials License No. SNM–2506 to NSP (the licensee) to allow storage of spent nuclear fuel in TN–40 dry storage casks, designed by Transnuclear Incorporated, at the ISFSI located at the Prairie Island Nuclear Plant. No spent nuclear fuel was allowed to be loaded into a storage cask at Prairie Island until several preoperational license conditions were satisfied. Among the preoperational license conditions were a required training exercise (dry-run) of the loading, handling, and unloading activities for the TN–40 casks and the implementation of written procedures describing the actions to be taken during