

the underlying purpose of between-the-seals testing is to verify the seal integrity after an air lock door is opened or its seals adjusted. The seal contact check performed on the emergency escape air lock door seals serves this purpose and ensures the doors are sealing properly. Therefore, application of the regulation to perform between-the-seals leakage rate tests after seal adjustment is not necessary in this case to achieve the underlying purpose of the rule.

#### IV

Accordingly, the Commission concludes that the licensee's proposal to perform seal contact testing instead of Type B leakage rate between-the-seals testing on the emergency escape air lock door seals is acceptable. There is reasonable assurance that the containment leakage limiting function will be maintained.

The licensee's request cites the special circumstances of 10 CFR 50.12, Sections (a)(2)(ii) and (a)(2)(iii), as the basis for the exemption. Appendix J to 10 CFR Part 50 requires full pressure tests following air lock door openings. The licensee stated that the proposed alternate seal contact verification check will ensure that the air lock doors are sealing properly. The licensee also stated that the only viable alternative to the proposed exemption would be to perform an air lock retrofit that would involve a significant cost to the licensee. The Commission concludes that the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

#### V

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present justifying the exemption.

Therefore, the Commission hereby grants the exemption from 10 CFR Part 50 Appendix J, Option A, Sections III.D.2.(b)(ii) and III.D.2.(b)(iii), to the extent that leakage rate testing is not necessary after opening the emergency escape air lock doors for post-test restoration or post-test adjustment of the airlock door seals.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have

a significant effect on the quality of the human environment (62 FR 34720).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of September 1997.

For the Nuclear Regulatory Commission.

**Frank J. Miraglia,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-26991 Filed 10-9-97; 8:45 am]

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 030-01788]

#### National Institutes of Health; Issuance of Director's, Decision Under 10 CFR § 2.206, Correction

This document corrects a notice appearing in the **Federal Register** of September 24, 1997 (62 FR 50018) concerning the issuance of a Director's Decision on a petition requesting that the Director, Office of Nuclear Material Safety and Safeguards take action with respect to the National Institutes of Health.

1. On page 50025, third column, second full paragraph, fifth line, the date reading "July 14, 1997" is corrected to read "July 14, 1995."

2. On page 50027, second column, first full paragraph, line 13 is corrected to read "1300μCi of P-32. The person with the".

Dated at Rockville, Maryland, this 6th day of October, 1997.

For the Nuclear Regulatory Commission.

**David L. Meyer,**

*Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 97-26892 Filed 10-9-97; 8:45 am]

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### NUCLEAR REGULATORY COMMISSION

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

#### Northern States Power Company, Prairie Island Nuclear Plant, Units 1 and 2 Prairie Island Independent Spent Fuel Storage Installation; Receipt of Petition For Director's Decision Under 10 CFR 2.206

Notice is hereby given that by a Petition filed pursuant to 10 CFR 2.206 on August 26, 1997, Prairie Island Coalition (Petitioner) requested that the NRC (1) suspend Northern States Power Company's (the licensee) Materials License No. SNM-2506 for cause under

Section 50.100 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.100) until all material issues regarding the maintenance, unloading, and decommissioning processes and procedures, as described in the Petition and a similar Petition filed on May 28, 1997, by the Prairie Island Indian Community, have been adequately addressed and resolved, and until the maintenance and unloading processes and procedures in question are safely demonstrated under the scrutiny of independent third-party review of the TN-40 cask seal maintenance and unloading procedure; (2) determine that the licensee violated 10 CFR 72.122(f) by using a cask design that requires periodic seal maintenance and emergency seal replacement that must be performed in the plant storage pool; (3) determine that the licensee violated 10 CFR 72.122(h) by using a cask that must be placed into the pool for necessary maintenance and/or unloading procedures; (4) determine that the licensee violated 10 CFR 72.122(l) by loading casks and storing them before the licensee had procedures adequate to safely unload and decommission the TN-40 casks; (5) determine that the licensee violated 10 CFR 72.130 by using the TN-40 cask and failing to make provisions capable of accomplishing the removal of radioactive waste and contaminated materials at the time the independent spent fuel storage installation (ISFSI) is permanently decommissioned; (6) determine that the licensee violated 10 CFR 72.11 by failing to provide and include complete and accurate material information regarding maintenance and unloading of TN-40 casks in the application for the Prairie Island ISFSI and in subsequent submissions regarding cask maintenance and unloading issues; (7) determine that the licensee violated 10 CFR 72.12 by deliberately and knowingly submitting incomplete and inaccurate material information regarding maintenance and unloading of TN-40 casks in the application for the Prairie Island ISFSI and in subsequent submissions regarding cask maintenance and unloading issues; (8) require that the licensee pay a substantial penalty for each cask loaded in violation of NRC regulations; (9) administer such other sanctions for the alleged violations of NRC regulations as the NRC deems necessary and appropriate; (10) provide Petitioner the opportunity to participate in a public review of maintenance, unloading, and decommissioning processes and procedures in question and an opportunity to comment on draft

findings after investigation by the NRC; (11) order modification of the licensee's Technical Specifications for the Prairie Island ISFSI to ensure a demonstrated ability to in fact safely maintain, unload, and decommission TN-40 casks; (12) review the licensee's processes and procedures for maintenance, unloading, and decommissioning, and if the licensee does not possess capability to unload casks, order the licensee to build a "Hot Shop" for air unloading of casks and transfer of the fuel; (13) initiate a formal rulemaking proceeding to solicit information and review current information regarding thermal shock and corrosion inherent in dry cask storage and usage and to define the parameters of degradation acceptable under 10 CFR 72.122(h); (14) initiate a formal rulemaking proceeding to define the parameters of retrievability required under 10 CFR 72.122(l); and (15) initiate a formal rulemaking proceeding for amendment of current licenses and rules for prospective licensing proceedings to require demonstration of a safe cask unloading ability before a cask may be used at an ISFSI.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, further action will be taken within a reasonable time. Regarding the requests for formal rulemaking proceedings as detailed in Items 13, 14, and 15 in the Petition, the NRC staff is reviewing these requests in accordance with 10 CFR 2.802, "Petition for Rulemaking."

A copy of the Petition is available for inspection at the Commission's Public Document Room at 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.

Dated at Rockville, Maryland, this 2nd day of October 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-26992 Filed 10-9-97; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Regulatory Guides; Issuance, Availability

The Nuclear Regulatory Commission has issued six new guides 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.

The new regulatory guides provide guidance on methods acceptable to the NRC staff on complying with the NRC's regulations for promoting high functional reliability and design quality in software used in safety systems of nuclear power plants. The guides endorse industry consensus standards of the Institute of Electrical and Electronics Engineers. The guides and the standards they endorse are Regulatory Guide 1.168, "Verification, Validation, Reviews, and Audits for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," which endorses IEEE Std 1012-1986, "IEEE Standard for Software Verification and Validation Plans," and IEEE Std 1028-1988, "IEEE Standard for Software Reviews and Audits"; Regulatory Guide 1.169, "Configuration Management Plans for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," endorses IEEE Std 828-1990, "IEEE Standard for Software Configuration Management Plans," and ANSI/IEEE Std 1042-1987, "IEEE Guide to Software Configuration Management"; Regulatory Guide 1.170, "Software Test Documentation for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," which endorses IEEE Std 829-1983, "IEEE Standard for Software Test Documentation"; Regulatory Guide 1.171, "Software Unit Testing for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," which endorses IEEE Std 1008-1987, "IEEE Standard for Software Unit Testing"; Regulatory Guide 1.172, "Software Requirements Specifications for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," which endorses IEEE Std 830-1993, "IEEE Recommended Practice for Software Requirements Specifications"; and Regulatory Guide 1.173, "Developing Software Life Cycle Processes for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," which endorses IEEE Std 1074-1995, "IEEE Standard for Developing Software Life Cycle Processes."

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 15th day of September 1997.

For the Nuclear Regulatory Commission.

**Malcolm R. Knapp,**

*Acting Director, Office of Nuclear Regulatory Research.*

[FR Doc. 97-26993 Filed 10-9-97; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22841; 812-10796]

### Blanchard Funds, et al.; Notice of Application

October 6, 1997.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under section 6(c) of the Investment Company Act of 1940 (the "Act") from section 15(a) of the Act.

**SUMMARY OF APPLICATION:** Signet Banking Corporation ("Signet"), parent of Virtus Capital Management, Inc. ("Adviser"), has entered into an agreement and plan of merger with First Union Corporation ("First Union"). The indirect change in control of the Adviser will result in the assignment, and thus the termination, of the existing advisory contracts between Blanchard Funds ("Blanchard"), The Virtus Funds ("Virtus"), Blanchard Precious Metals Fund, Inc. ("Precious Metals") (collectively, the "Funds") and the Adviser. The order would permit the implementation, without shareholder approval, of new investment advisory