

**[Notice 96-097]****Notice of a Prospective Patent License**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Prospective Patent License.

**SUMMARY:** NASA hereby gives notice that Morgan Matroc, Inc., has applied for a partially exclusive license to practice the invention disclosed in NASA Case No. LAR-15348-1, entitled "THIN-LAYER COMPOSITE-UNIMORPH PIEZOELECTRIC DRIVER AND SENSOR, 'THUNDER,'" for which a U.S. Patent Application was filed on April 4, 1995, by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

**DATES:** Responses to this notice must be received by October 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681; telephone (757) 864-9260; (757) 864-9190.

Dated: August 9, 1996.

Edward A. Frankle,  
General Counsel.

[FR Doc. 96-21046 Filed 8-16-96; 8:45 am]

BILLING CODE 7510-01-M

**NUCLEAR REGULATORY COMMISSION**

**[Non-License EA 96-288]**

**Middle Monongahela Industrial Development Association, Inc. (MIDA); Confirmatory Order**

I

Middle Monongahela Industrial Development Association, Inc. (MIDA) is a non-profit organization that exists in Monongahela County, PA for the purpose of encouraging businesses to locate in that geographical area. One of the business entities that existed in the area was GRD Steel Corporation (GRD), a company engaged in the manufacturing of carbon steel. GRD was located at the Mid Mound Center, Route 136, East Monongahela, Pennsylvania. GRD is a licensee of the NRC, specifically, the holder of NRC License No. 37-30147-01 issued by the Nuclear Regulatory Commission (NRC or Commission) on February 6, 1995 pursuant to 10 CFR Part 30. License No. 37-30147-01 authorizes the possession

and use of up to 10 millicuries of Cobalt-60 in sealed sources (with a maximum activity per source of 3.3 millicuries).

II

GRD possessed two gauges each containing approximately 3.3 millicuries of Cobalt-60, a radioactive material, at its Mid Mound Center facility. GRD has ceased operations (the steel mill had been shut down). As a result of its purchase at a sheriff foreclosure sale of property of GRD at the Mid Mound Center, MIDA now: (1) holds the title to both GRD's gauges and GRD's Mid Mound Center facility in East Monongahela; and (2) is in possession of the two gauges each containing Cobalt-60, a highly radioactive byproduct material.

In order to receive or possess byproduct material, an NRC license is required by the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 30.3. MIDA does not have a license to receive or possess this byproduct material.

It does appear that MIDA has taken some action to maintain security of the gauges because the gauges have been maintained with their shutters locked in the closed position. However, the NRC was recently informed that the building where the gauges are possessed has been subject to at least one break-in. The gauges were not stolen or damaged. Since the break-in, the NRC understands that the perpetrators have been apprehended, that local police patrols are occurring, and daily walk-throughs by a local president of the steel union are being conducted.

III

These gauges contain radioactive material which, if not properly handled or secured, could cause a member of the public to receive a significant radiation exposure. The NRC must be able to ensure that radioactive byproduct material subject to NRC regulation only be possessed by persons having an NRC license authorizing such possession, and that security of the radioactive material is maintained at all times to ensure that it is not lost or stolen. MIDA has not met these conditions. Therefore, on August 9, 1996, Mr. Charles W. Hehl and other members of the NRC Region I office contacted Ms. Lue Anne Pawlick of MIDA during which MIDA committed to implement the terms in Section IV of this Order and agreed to waive their rights to a hearing.

I find that MIDA's commitments described in Section IV are acceptable and necessary and conclude that with

these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that these commitments be confirmed by this Order. MIDA has agreed to this action. Pursuant to 10 CFR 2.202, I have also determined, based on the Licensee's consent and on the significance of these matters, described above, that the public health and safety require that this Order be immediately effective.

IV

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, *it is hereby ordered*, effective immediately, that MIDA:

1. assures that it will maintain control of the NRC-licensed gauges possessed at Mid Mound Center, Route 136, East Monongahela, Pennsylvania and that the facility and gauges will remain locked at all times;

2. requests additional patrols from the local police in the area, until such time as the gauges are transferred to an authorized recipient;

3. performs daily walk-throughs of the facility to ensure that the gauges have not been tampered with;

4. shall either obtain a license from the NRC to possess the material or transfer the material to a specific NRC or Agreement State licensee authorized to possess such material; in the absence of obtaining a license from the NRC to possess the gauges within 90 days from the date of this Order, transfers the gauges either back to the manufacturer, or to another authorized recipient

5. by August 19, 1996 inform the NRC under oath or affirmation regarding the specific actions MIDA will take to comply with conditions 1, 2, and 3 above.

The Regional Administrator, Region I, may relax or rescind, in writing, any of the above conditions upon a showing by MIDA of good cause.

V

MIDA has agreed to waive its right to a hearing. Any person adversely affected by this Confirmatory Order, other than MIDA, may request a hearing within 20 days of its issuance. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 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, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his 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 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 Confirmatory Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), any person other than the Licensee, adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, 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.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland, this 12th day of August 1996.

For the Nuclear Regulatory Commission.  
James Lieberman,  
*Director, Office of Enforcement.*  
[FR Doc. 96-21039 Filed 8-16-96; 8:45 am]  
BILLING CODE 7590-01-P

### **Westinghouse Electric Corporation; Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that by Petition dated May 30, 1996, Shannon T. Doyle (Petitioner) has requested that the NRC take immediate action with regard to Westinghouse Electric Corporation (Westinghouse). The Petitioner requests that the NRC institute a show cause proceeding pursuant to 10 CFR 2.202 and/or impose a civil penalty upon Westinghouse. As a basis for the request, the Petitioner asserts that Westinghouse has failed to correct the record and, through its counsel, has provided material false statements to a Department of Labor Administrative Law Judge (DOL ALJ) in a case arising under the Energy Reorganization Act

(ERA), 89-ERA-022. Specifically, the Petitioner asserts that Westinghouse has knowingly let remain the false impression of the ALJ that registration with the National Registry of Radiation Protection Technologists (NRRPT) is a requirement for the holding of the position of health physics technician in the nuclear power industry, and has falsely maintained that an NRRPT filing to the NRC establishes that a passing score on the registration test is required for the position of health physics technician.

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 Enforcement. With regard to the Petitioner's request that immediate action be taken, it should be noted that the NRC takes immediate action in situations where it appears that there is a significant threat to public health and safety that warrants some immediate action to protect the public. The allegations and information in the Petition do not involve a significant threat to public health and safety and the Petition does not present significant new information to indicate that such a threat exists. Therefore, the request for immediate action is denied. As provided by 10 CFR 2.206, action will be taken on the remaining portions of the Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555.

Dated at Rockville, Maryland this 9th day of August 1996.

For the Nuclear Regulatory Commission.  
James Lieberman,  
*Director, Office of Enforcement.*  
[FR Doc. 96-21038 Filed 8-16-96; 8:45 am]  
BILLING CODE 7590-01-P

### **POSTAL RATE COMMISSION**

[Docket No. A96-22; Order No. 1130]

#### **Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)**

In the Matter of: Shiloh, Virginia 22549  
(James R. Owens, Petitioner).

Issued August 13, 1996.

Before Commissioners: Edward J. Gleiman,  
Chairman; H. Edward Quick, Jr., Vice-  
Chairman; George W. Haley; W.H. "Trey"  
LeBlanc III

*Docket Number:* A96-22  
*Name of Affected Post Office:* Shiloh,  
Virginia 22549  
*Name(s) of Petitioner(s):* James R.  
Owens

*Type of Determination:* Closing  
*Date of Filing of Appeal Papers:*  
August 8, 1996

#### *Categories of Issues Apparently Raised:*

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

#### *The Commission Orders*

(a) The Postal Service shall file the record in this appeal by August 23, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.  
Margaret P. Crenshaw,  
*Secretary.*

#### *Appendix*

August 8, 1996 Filing of Appeal letter  
August 13, 1996 Commission Notice and  
Order of Filing of Appeal  
September 3, 1996 Last day of filing of  
petitions to intervene [see 39 CFR  
3001.111(b)]  
September 12, 1996 Petitioner's Participant  
Statement or Initial Brief [see 39 CFR  
3001.115(a) and (b)]  
October 2, 1996 Postal Service's Answering  
Brief [see 39 CFR 3001.115(c)]  
October 17, 1996 Petitioner's Reply Brief  
should Petitioner choose to file one [see  
39 CFR 3001.115(d)]