

of the setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110 percent of the P/T limits of the existing ASME Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients and, thus, will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. Further, by relieving the operational restrictions, the potential for undesirable lifting of the PORV would be reduced, thereby improving plant safety.

IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), in that application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.60 such that in determining the setpoint for LTOP events, the Appendix G curves for P/T limits are not exceeded by more than 10 percent. This exemption permits using the safety margins recommended in the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Case N-514, "Low Temperature Overpressure Protection" in lieu of the safety margins required by 10 CFR Part 50, Appendix G. This exemption is applicable only to LTOP conditions during normal operation.

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 (61 FR 25921).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of July 1996.

For the Nuclear Regulatory Commission.
William T. Russell,
Director, Office of Nuclear Reactor Regulation.
[FR Doc. 96-19849 Filed 8-2-96; 8:45 am]
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Testco, Inc.; Establishment of Atomic Safety and Licensing Board

[Docket No. 150-00032-EA, ASLBP No. 96-719-04-EA]

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

Testco, Inc., Greensboro, North Carolina (Order Imposing Civil Monetary Penalty) (General License) EA 95-101.

This Board is established pursuant to the request of James L. Shelton, President of Testco, Inc., for a hearing regarding an order issued by the Director, Office of Enforcement, dated March 14, 1996, and published in the Federal Register at 61 FR 14583. The order imposes a monetary penalty on Testco, Inc., an agreement state licensee of North Carolina, for certain radiographic activities.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Frank F. Hooper, 26993 McLaughlin Boulevard, Bonita Springs, FL 33923

Issued at Rockville, Maryland, this 30th day of July 1996.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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POSTAL RATE COMMISSION

[Order No. 1128; Docket No. C96-1]

Complaint of Coalition Against Unfair USPS Competition; Order Denying Motion of United States Postal Service To Dismiss Proceeding and Notice of Formal Proceedings

July 30, 1996.

The Commission has before it a Complaint against the United States Postal Service pursuant to 39 U.S.C. § 3662 which concerns a "Pack & Send" service, hitherto unknown to and never reviewed by the Commission, and the rates or fees which the Service is charging for providing that service. Complainant, a coalition consisting of organizations and individuals doing business in the Commercial Mail Receiving Agency ("CMRA") industry, alleges that the Postal Service is charging rates which do not conform to the policies of the Postal Reorganization Act, inasmuch as it is rendering a postal service without first having requested a recommended decision on the service and its rates from the Commission. The Postal Service concedes that it is offering the service on a trial basis at a limited number of facilities, but denies that its "Pack & Send" service is within the Commission's jurisdiction under § 3662 because it is not "postal" in character. On that ground, it moves to dismiss the complaint.

The factual assertions of Complainant and the Postal Service conflict on some, but not all, points. Furthermore, the information offered to support the conflicting factual claims is incomplete, and does not justify a conclusion at this time either that Pack & Send is, or is not, postal in character. However, some of the information already presented would tend to support an inference that Pack & Send is a postal service, and the Commission believes that further inquiry into this matter would be appropriate. Because the Commission reaches the preliminary conclusion that the Complaint may be justified, depending on the ultimate state of the facts concerning the Pack & Send service offering, the Postal Service's motion to dismiss shall be denied. Formal proceedings to develop an evidentiary record will be conducted in this docket.

Substance of the Complaint. In its Complaint filed May 23, 1996, the Coalition Against Unfair USPS Competition identifies its membership as organizations engaged in the franchising of stores in the CMRA industry, together with individual franchisees who independently own