

[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.

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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