



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

Mary T. McGinley  
Radiation Safety Officer  
Mine Safety Appliance Company  
Instrument Division  
P.O. Box 427  
Pittsburgh, PA 15230

May 04, 2000

Dear Ms. McGinley:

We informed you in a letter dated November 22, 1999, that we have reviewed your application dated August 25, 1999, related to Automatic Continuous Air Monitoring System (ACAMS) Device Registration. Our review of your application indicated that additional information is necessary to complete the sealed source device evaluation.

We have reviewed your response dated January 31, 2000, and discussed with you in several telephone conversations that additional information is needed. In an Enclosure to this letter, we have summarized the required additional information.

To date, we have not received the requested additional information. Therefore, we have discontinued the review of your application. This is without prejudice to re-submission of your application. If you decided to resubmit your application for registration, please ensure that you have included sufficient information to allow NRC to evaluate your device and similar instruments.

If you have any questions or you wish to meet with the NRC staff please do not hesitate to contact Mr. Ujagar S. Bhachu my staff on (301)415-7894.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. N. Hickey".

John W. N. Hickey, Branch Chief  
Materials Safety and Inspection Branch  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

cc. Skimberly, LFDCB

**Enclosure**

We informed you in a letter dated November 22, 1999, that we have reviewed your application dated August 25, 1999, related to Automatic Continuous Air Monitoring System (ACAMS) Device Registration. Subsequently, we reviewed your response dated January 31, 2000, and your partial responses to numerous issues raised by the NRC staff as part of the review process. Please note that the following significant issues have not been satisfactorily addressed by MSA:

1. **PROTOTYPE TESTING**

In your letter dated February 25, 1999, MSA had stated: " within the next two-three months, three prototype instruments will be undergoing acceptance testing at the Chemical Stockpile Disposal Facility located on Johnson Atoll. As soon as these tests are completed MSA will be expected to immediately supply these devices commercially under a general license to ALL of the Chemical Stockpile Disposal Facilities. " NRC requested the results of these tests and to-date these results have not been submitted. In response to NRC request for the test results MSA stated in its letter dated August 25, 1999, that "the destructive testing of a \$ 250,000 machine is not cost effective therefore engineering analysis was performed. " We have not received the results of the prototype testing or the engineering analysis.

MSA device registration submission, dated February 24, 1999 page 17 of 23 made a reference to "Standard EPS.... formulas." NRC requested a copy of references 6 and 7. Also, NRC requested MSA to elaborate on the choice of X/Q of  $1.3\text{-E-}3/\text{m}^3$ . NRC requested that MSA state clearly the assumptions and the actual equations used in the calculations. MSA has not provided this information.

From your August 1999, letter it appears that only external doses were considered under accident conditions ( such as fire or explosion) associated with handling, storage and use of the devices. Please confirm that the internal doses under these conditions will not exceed the regulatory dose limits.

2. **ACAMS MANUAL**

Please submit the final approved manual. NRC will not issue a registration certificate without the final approved version of the instruction manual.

3. **DEVICE ASSEMBLY TAMPER-RESISTANT SCREWS**

Please demonstrate that external screws used to assemble the device are tamper - resistant (See section 10.3 of NUREG 1556 Vol. 3).

4. DISTRIBUTED DEVICES UNDER SSD REGISTRATION CERTIFICATE CO-376-D-103-G

Please advise how many devices were distributed under Registration Certificate CO-376-D-103-G and how many are still in service. Also provide performance and failure data related to these devices.

5. A REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By Mine Safety Appliance Company's (MSA) application dated February 24, 1999, MSA submitted an application for registration of Automatic Continuous Air Monitoring System (ACAMS). A notarized affidavit signed by Mr. George R. McGee indicated that the application contained proprietary drawings and information.

MSA stated that all MSA drawings referenced in the application should be considered exempt from mandatory public disclosure for these drawings contain trade secrets. More specifically, MSA claimed that the drawings contain designs, dimensions and tolerance values that if released to the public would seriously and adversely impact its competitive advantage in the field of ion spectrometry (FIS) since MSA has spent a significant amount of money developing the FIS technology and the drawings containing trade secrets.

Section 2.790(b)1 of 10 CFR Part 2 requires that each request for withholding of information from the public must be accompanied by an affidavit that contains a full statement of the reasons on the basis of which it is claimed that the information should be withheld from the public. The Section further states that the Commission will consider whether the information is of the type customarily held in confidence by the applicant.

In general, only that information which cannot be obtained through observations or measurements of components or documentation obtainable by the general public can be withheld as proprietary material. With regard to engineering drawings, information generally considered being proprietary includes information such as dimensional tolerances, technical specifications of materials, manufacturing notes or specific assembly directions. Any remaining information on the drawings would be released. In view of this you may elect to identify specific information on each drawing that you wish to withhold as proprietary, and provide nonproprietary versions in accordance with 10 CFR 2.790 (b) (1) (ii).

NRC reviewed your request of withholding of documents from the public. The Enclosure 2 to the letter dated July 29, 1999, identified specifically the drawings that are considered proprietary and drawings that are not considered proprietary under the criteria provided by 10 CFR 2.79. At your request Enclosure 2 was E-Mailed to you on April 10, 2000. As requested in the Enclosure 2, page 3, MSA has not confirmed the acceptance of NRC findings.

Mary T. McGinley  
 Radiation Safety Officer  
 Mine Safety Appliance Company  
 Instrument Division  
 P.O. Box 427  
 Pittsburgh, PA 15230

May 04, 2000.

Dear Ms. McGinley:

We informed you in a letter dated November 22, 1999, that we have reviewed your application dated August 25, 1999, related to Automatic Continuous Air Monitoring System (ACAMS) Device Registration. Our review of your application indicated that additional information is necessary to complete the sealed source device evaluation.

We have reviewed your response dated January 31, 2000, and discussed with you in several telephone conversations that additional information is needed. In an Enclosure to this letter, we have summarized the required additional information.

To date, we have not received the requested additional information. Therefore, we have discontinued the review of your application. This is without prejudice to re-submission of your application. If you decided to resubmit your application for registration, please ensure that you have included sufficient information to allow NRC to evaluate your device and similar instruments.

If you have any questions or you wish to meet with the NRC staff please do not hesitate to contact Mr. Ujagar S. Bhachu my staff on (301)415-7894.

Sincerely,

/RA/

John W. N. Hickey, Branch Chief  
 Materials Safety and Inspection Branch  
 Division of Industrial and  
 Medical Nuclear Safety  
 Office of Nuclear Material Safety  
 and Safeguards

cc. Skimberly, LFDCB

Distribution:

IMNS r/f      SSD 99-53

**DOCUMENT NAME:**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	MSIB	E	MSIB	E	MSIB				
NAME	USBHACHU <i>UB</i>		FSturz <i>FS</i>		JHICKEY <i>JH</i>				
DATE	05/04/2000		05/04/2000		05/5/2000				