



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016

JUL 30 1986

Marvin S. Lieberman, Esquire
Zuckert, Scoutt, Rasenberger
& Johnson
888 17th Street, NW
Washington, DC 20006-3959

IN RESPONSE REFER
TO FOIA-85-651

Dear Mr. Lieberman:

This is in further response to your letter dated September 24, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of a qualification report for incontainment radiation, or a similar document and any other documents or information submitted by GA Technologies, or General Atomics, (GA) concerning instrumentation that can survive LOCA and qualification of equipment, instruments, or other devices under requirements of Reg. Guide 1.97.

The document listed on the enclosed Appendix B is being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, for public inspection and copying. The document will be filed in folder FOIA-85-651 under your name.

The documents listed on the enclosed Appendix C are being withheld in part, pursuant to Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations, since the withheld information consists of confidential business (proprietary) information. Upon review of these documents, GA maintains that release of the deleted information would reveal details related to design and manufacturing processes entailed in producing GA products and, therefore, would cause substantial harm to GA's competitive position by enabling competitors to acquire, without cost, technology which was developed by GA at its own substantial expense. The NRC has reviewed GA's proprietary claim and agrees that the information involved is proprietary and should be withheld from public disclosure.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for the denial of information in documents listed on Appendix C are the undersigned and Mr. James M. Taylor, Director, Office of Inspection and Enforcement.

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PDR FOIA
LIEBERM85-651 PDR

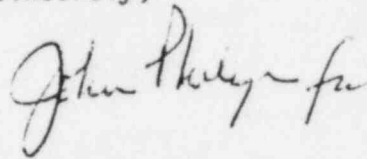
Mr. Lieberman

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This denial may be appealed to the NRC's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

This completes NRC action on your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donnie H. Grimsley".

Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

Appendix B

Document to be Released

1. 1/13/76

GA "Functional Test Procedure for Safety Channel ELE
304-3000", Reference Specification ATP-15, Issue "E",
page 8 of 38 (1 page)

Appendix C

Documents Being Withheld In Part

1. 12/15/80 General Atomic Report E-254-960.
(Note: Neither NRC nor GA maintains a complete copy of this report. Certain pages are missing from the report; these pages were not withheld.)
2. 05/01/81 General Atomic Report E-254-960 (Rev.)
- 3., 2/12/85 EQ Document Package, CDM"'"No. M37609 (42 page)

LAW OFFICES

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September 24, 1985

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BY HAND

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-651
Rec'd 9-29-85

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Maryland National Bank Building
7735 Old Georgetown Road
Room 2410
Bethesda, Maryland 20814

Attention: Joseph M. Felton

Re: FREEDOM OF INFORMATION REQUEST

Dear Sir:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and the Nuclear Regulatory Commission's Regulations, 10 CFR § 9 et seq., I request that you provide me with the following information and documents:

1. Qualification Report For In Containment Radiation monitoring or any similar document submitted by G A Technologies within the past five years. The report may have been submitted under the name of General Atomics. This report or documentation concerns instrumentation capable of surviving a loss-of-coolant accident (LOCA) and surviving the accident environment in which it is located for the length of time its function is required. The requirements for such instrumentation are set forth in Regulatory Guide 1.97, Revision 3, May, 1983.

2. Any other documents or information submitted by G A Technologies (or General Atomics) relating to the qualification of equipment, instruments or other devices designed to meet the requirements of Regulatory Guide 1.97, Revision 3, May, 1983 in the following particulars for both PWR and BWR plants:

[Handwritten signature]

Director, Office of Administration
September 24, 1985
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a. Type E Variable

Variables to be monitored as required for use in determining the magnitude of the release of radioactive materials and for continuously assessing such releases.

b. Category I

Full qualification, redundancy, and continuous real-time display requiring onsite (standby) power.

c. Containment Radiation

Primary Containment Area Radiation - High Range.
1R/hr to 107 R/hr.

Detection of significant releases; release assessment; long-term surveillance, emergency plan actuation.

If you determine that any of the requested material is exempt from release under the Freedom of Information Act, please advise me in writing of the reasons for nondisclosure.

If you should have any questions regarding this request, please telephone me at the above number. I look forward to your reply within ten (10) working days as provided in the Act. Of course, I am prepared to pay the fees set forth in the Commission's rules governing Freedom of Information Act requests.

Sincerely,


Marvin S. Lieberman

MSL:j