

TRICONEX

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July 17, 2000

Document Control Desk
United States Nuclear Regulatory Commission
Washington, DC 20555

Subject: Nuclear 1E Qualification of the TRICON TMR Programmable Logic Controller (PLC) – Project Qualification Document Submittal (Proprietary Documents)

- Reference:
1. Letter, T. Martel (Triconex) to NRC, March 21, 2000, subject; Nuclear Qualification of the TRICON TMR PLC – Triconex Corporate Proprietary Material
 2. Letter, T. Martel (Triconex) to NRC, April 3, 2000, subject; Nuclear Qualification of the TRICON TMR PLC – Triconex Corporate Proprietary Material
 3. Project Number 709

Gentlemen:

In previous letters (see References 1 and 2), Triconex submitted documents containing proprietary information for NRC review in connection with the Nuclear 1E Qualification of Triconex PLC Controllers. The purpose of this letter is to:

- (1) transmit additional project documents as listed in Attachment 1 for your information and review, and
- (2) provide an amended Affidavit and Request for Withholding from Public Disclosure for the referenced previous submittals. This is considered necessary since the content and formality of these previous affidavits did not fully meet NRC documentation requirements.

The attached Affidavit identifies the documents currently being submitted for consideration. It also clarifies the proprietary status of previous submittals for which withholding from public disclosure was requested. Per 10 Part CFR2.790, it is requested that these documents so identified be withheld from public disclosure.

We recognize that a large number of proprietary documents are being provided in support of this equipment qualification project and that only certain parts of these documents may contain information which Triconex considers to be proprietary. Therefore, to assure that Triconex project documents are appropriately available in the public record, it is our intent to prepare and submit non-proprietary versions of key documents upon which the NRC's safety evaluation will be based. These will be provided under separate cover.

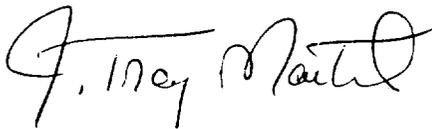
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As we are now in the process of completing our final reports, we appreciate your patience and your ongoing attention to the evaluation of the TRICON PLC qualification. I look forward to arranging a meeting at your earliest convenience to discuss our submittals, in particular the enclosed Software Qualification Report. If you have any questions regarding the enclosed documents, please contact me at (281) 360-6401 or Mr. Michael Phillips at (949) 699-2111.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Troy Martel". The signature is fluid and cursive, with a large initial "J" and "M".

J. Troy Martel, P. E.
Triconex Nuclear Qualification Project Director

Enclosures

cc: L. Raynard Wharton, NRC
P. Loeser, NRC

AFFIDAVIT
Request for Withholding from Public Disclosure per 10CFR2.790

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, **Michael P. Phillips**, being duly sworn, hereby say and depose:

1. I am **Director, Business Development** at Triconex Corporation, and as such I have been specifically delegated the function of reviewing company proprietary information sought to be withheld from public disclosure in connection with the nuclear 1E qualification of the TRICON Programmable Logic Controller (PLC) and am authorized to apply for its withholding on behalf of the Triconex Corporation.
2. The information sought to be withheld is contained in the document(s) described below:

<u>Item</u>	<u>Document Description</u>	<u>Document Number</u>	<u>Rev</u>
1.	Software Qualification Report	7286-535	1
2.	Pre-Qualification Test Report	7286-524	0
3.	Environmental Test Report	7286-525	0
4.	Seismic Test Report	7286-526	0
5.	EMI/RFI Test Report	7286-527	0
6.	Surge Test Report	7286-528	0
7.	1E/Non 1E Isolation Test Report	7286-529	0
8.	Performance Proof Test Report	7286-530	0
9.	Master Test Plan	7286-500	3
10.	Master Configuration List	7286-540	20
11.	TSAP V&V Report	7286-536	0
12.	Failure Modes & Effects Analysis	7286-532	0

This information consists of technical reports and project implementation documents which will allow the NRC to evaluate the acceptability of the generic TRICON TMR PLC qualification for use in safety-related applications for nuclear power plants.

Each of the indicated documents contain information considered to be proprietary. Non-proprietary versions of these documents, as agreed to, will be provided under separate cover with specific proprietary parts removed as indicated by brackets [] or other similar markings.

3. Two previous submittals contained proprietary documents as listed below.

March 21, 2000:

<u>Item</u>	<u>Document Description</u>	<u>Document Number</u>	<u>Rev</u>
1.	Master Test Plan	7286-500	Rev 2
2.	Master Configuration List	7286-540	Rev 19
3.	<i>Software Quality Assurance Plan</i>	7286-537	Rev 2
4.	Set-up & Check-out Test Procedure	7286-502	Rev 2
5.	Operability Test Procedure	7286-503	Rev 2
6.	Prudency Test Procedure	7286-504	Rev 2
7.	Environmental Test Procedure	7286-506	Rev 0
8.	Seismic Test Procedure	7286-507	Rev 0
9.	EMI/RFI Test Procedure	7286-510	Rev 1
10.	Surge Withstand Test Procedure	7286-508	Rev 1
11.	1E/Non 1E Isolation Test Procedure	7286-509	Rev 0
12.	TSAP Validation Test Procedure	7286-513	Rev 0

April 3, 2000:

<u>Item</u>	<u>Document Description</u>	<u>Document Number</u>	<u>Rev</u>
1.	TSAP Functional Specification	7286-517	Rev 1
2.	TSAP Design Specification	7286-518	Rev 1
3.	TSAP Program Listing	7286-519	Rev 4
4.	Test System Arrangement/Wiring Drawings	7286-001-329	(see list in letter)
5.	Test System Functional Diagrams	7286-430-444	(see list in letter)
6.	Test System Loop Diagrams	7286-531-543	(see list in letter)

Each of these indicated documents contain information considered to be proprietary, *with the exception* of the Software Quality Assurance Plan, 7286-537, rev 2. This document was included on the list in error and is not considered proprietary nor is it so marked. Withholding of the Software Quality Assurance Plan is not being requested. Non-proprietary versions of the documents listed above, as requested or agreed to, will be provided under separate cover with specific proprietary parts removed as indicated by brackets [] or other similar markings.

4. I am making this affidavit in conformance with the provisions of 10CFR Section 2.790 of the Commission's regulations and in conjunction with the Triconex application for withholding accompanying this Affidavit.
5. I have personal knowledge of the criteria and procedures utilized by the Triconex Corporation in designating information as a trade secret, privileged, or as confidential commercial or

financial information. Some examples of categories of information which fit into the definition of proprietary information are:

- a) Information which discloses process, method, or apparatus, including supporting data and analyses, where prevention of its use by Triconex's competitors without license or contract from Triconex constitutes a competitive economic advantage over other companies in the industry.
- b) Information, which if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- c) Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of the Triconex Corporation, its customers, its partners, or its suppliers.
- d) Information which reveals aspects of past, present, or future Triconex customer-funded development plans or programs, of potential commercial value to Triconex.
- e) Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.
- f) Information obtained through Triconex actions which could reveal additional insights into Nuclear 1E PLC equipment qualification processes and regulatory proceedings, and which are not otherwise readily obtainable by a competitor.

Information to be withheld is considered to be proprietary based on the reasons set forth in (paragraphs 5(a), 5(b), and 5(f) above).

6. These documents describe the details of a program to qualify Triconex equipment undergoing 1E qualification testing. Product design details are also represented. Triconex is the first manufacturer of a PLC to fully implement the requirements set forth in the EPRI TR-107330, which has been endorsed by the Commission in an SER. Triconex has expended a significant amount of money and effort involving numerous contractors over a 3 year time period to develop and implement this test program. Information developed relating to test plans, approaches, equipment, specific problems encountered, licensing perspectives, and lessons learned has significant value because of the resources expended to successfully accomplish this process and the usefulness of this knowledge to potential competitors.

Specific test data showing compliance with requirements and demonstrating technical capability of the equipment has substantial commercial value because it provides the basis for qualifying Triconex to sell safety-related digital upgrades to nuclear plants. Existing options for digital upgrades in the nuclear industry are now limited. We believe that successful 1E qualification of the TRICON PLC, already well known in non-nuclear applications, would give Triconex a competitive advantage in this field.

Disclosure of information in these documents would cause substantial harm to the competitive position of the Triconex Corporation, as there are other competing companies who wish to qualify digital PLC controllers for safety related application in nuclear power plants. Competing firms could use our experience, successful approaches, and technical information to facilitate their own equipment qualification efforts and/or product design without compensating Triconex.

7. Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Triconex.
 - (ii) The information is of a type customarily held in confidence by Triconex and not customarily disclosed to the public. Triconex has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Triconex policy and provides the rational basis required.
 - (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10CFR Section 2.790, it is to be received in confidence by the Commission.
 - (iv) This information is not readily available in public sources
 - (v) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Triconex because it would enhance the ability of competitors to provide similar design of PLC or qualify similar equipment using similar project methods, equipment, testing approach, contractors, or licensing approaches. As described in section 6, this information is the result of considerable expense to Triconex and has great value in that it will assist Triconex in providing digital upgrade equipment and services to a new market not currently served by the company.
8. The foregoing statements are true and correct to the best of my knowledge, information, and belief.


Michael P. Phillips
Director, Business Development
Triconex Corporation

Sworn to and subscribed before me

this 17th day of July, 2000


Notary Public

