



TRICONEX

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September 29, 2000

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

Subject: Nuclear 1E Qualification of the TRICON TMR Programmable Logic Controller (PLC) – Additional Project Qualification Document Submittals

Reference: 1. Letter, T. Martel (Triconex) to NRC, July 17, 2000, subject; Nuclear Qualification of the TRICON TMR PLC – Project Qualification Document Submittal (Proprietary Documents)

2. Project Number 709

Gentlemen:

In previous letters, Triconex submitted documents for NRC review in connection with the Nuclear 1E Qualification of Triconex PLC Controllers. The purpose of this letter is to transmit additional project documents as listed below for your information and review.

- | | |
|---|------------------|
| 1. Tricon Test Specimen Description | 7286-541, Rev 0 |
| 2. Radiation Hardness Evaluation | 7286-533, Rev 1 |
| 3. Tricon System Accuracy Specification | 7286-534, Rev 1 |
| 4. Reliability/Availability Study* | 7286-531, Rev 0 |
| 5. Certificate of Conformance* | 7286-542, Rev 0 |
| 6. Master Configuration List (current)* | 7286-540, Rev 22 |

(* Triconex Proprietary Document)

As indicated above, some of the enclosed reports are considered proprietary by Triconex and marked accordingly. Attachment 1 provides a notarized affidavit and request for withholding these documents from public disclosure in accordance with 10CFR2.790. In reference 1, we indicated that we would prepare and provide, for the public record, non-proprietary versions of key project documents which have been classified as Triconex proprietary. It is our intention to determine which specific documents are appropriate for this treatment in joint discussions with the NRC staff. The non-proprietary versions will be provided in a future submittal.

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With the exception of the Qualification Summary Report, document number 7286-545, we believe that all Triconex documents necessary for NRC review of the nuclear qualification project (and as referenced in EPRI TR-107330) have been provided. The Qualification Summary Report will be submitted within the next few days under separate cover.

I look forward to meeting with you at your convenience to discuss our submittals and to provide any further assistance to support your reviews. 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 "Michael Phillips" with a large flourish, followed by the initials "J.T.M." written in a smaller, simpler script.

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

Enclosures

cc: L. Raynard Wharton, NRC (w/o enclosures)
P. Loeser, NRC (w/enclosures)

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.	Reliability/Availability Study	7286-531	0
2.	Certificate of Conformance	7286-542	0
3.	Master Configuration List	7286-540	22

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 requested or as agreed to in discussion with staff reviewers, will be provided under separate cover with specific proprietary parts removed as indicated by brackets [] or other similar markings.

3. 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.

4. 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) and 5(b) above.


5. 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.

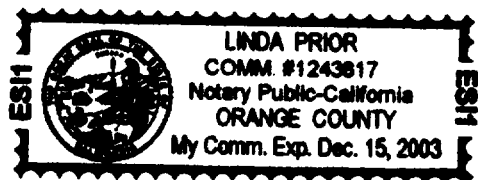
Competing firms could use our experience, successful approaches, and technical information to facilitate their own equipment qualification efforts and/or product design without compensating Triconex.


6. 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 5, 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.
7. 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 29 day of September, 2000





Notary Public