



Process Systems

November 30, 2001

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

**Subject:** Nuclear 1E Qualification of the TRICON TMR Programmable Logic Controller (PLC) – Triconex Proprietary Document Submittals

**References:** 1. – 7. See Correspondence Listing, Attachment 1

8. Project Number 709

**Gentlemen:**

In previous letters, References 1 through 7, Triconex submitted proprietary documents for NRC review in connection with the Nuclear 1E Qualification of Triconex PLC Controllers. These documents contained information considered to be proprietary and were requested to be withheld from public disclosure pursuant to 10CFR2.790. Affidavits as required by 10CFR2.790 were provided or referenced in these letters. References 3 and 5 provided affidavits in the approved format to cover all proprietary documents submitted by Triconex.

As the Staff has recently pointed out, more than a year has passed since we attested to the fact that we considered the affected documents to be proprietary. Therefore, at your request, we have re-reviewed these affidavits to assess whether their status has changed and are providing a more current affidavit for the documents in question. We have concluded that there has been no change in the proprietary status of these documents. The purpose of this letter is to transmit a revised current affidavit per 10CFR2.790 (provided in Attachment 2).

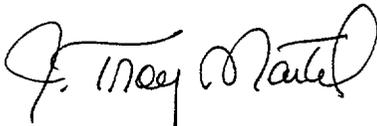
TRICONEX  
15345 Barranca Parkway Irvine California 92618  
Telephone +1 949 835 0700 Facsimile +1 949 353 9101

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If you have any questions regarding this matter, please contact me at (281) 360-6401 or Mr. Michael Phillips at (949) 885-0711.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Troy Martel". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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

**Attachments**

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

Attachment 1 to Triconex letter dated 11/30/01

Reference Letters to NRC

1. Letter, T. Martel (Triconex) to NRC, November 15, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Revised Project Proprietary Documents
2. Letter, T. Martel (Triconex) to NRC, November 14, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Revised Project Proprietary Documents
3. Letter, T. Martel (Triconex) to NRC, September 29, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Additional Project Qualification Document Submittals
4. Letter, T. Martel (Triconex) to NRC, August 29, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Corrected Pages – Previously Submitted Document
5. Letter, T. Martel (Triconex) to NRC, July 17, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Project Qualification Document Submittal (Proprietary Documents)
6. Letter, T. Martel (Triconex) to NRC, April 3, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Triconex Corporation Proprietary Information
7. Letter, T. Martel (Triconex) to NRC, March 21, 2000, subject; Nuclear 1E Qualification of the TRICON TMR PLC – Triconex Corporation Proprietary Information



TRICONEX PROPRIETARY DOCUMENT SUBMITTALS (Continued)

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<u>Document Description</u>	<u>Document No.</u>	<u>Revision</u>	<u>Submittal Date</u>	<u>Affidavit Date</u>
Set-up & Check-out Test Procedure	7286-502	Rev 2	03/21/00	07/17/00
Operability Test Procedure	7286-503	Rev 2	03/21/00	07/17/00
Prudency Test Procedure	7286-504	Rev 2	03/21/00	07/17/00
Environmental Test Procedure	7286-506	Rev 0	03/21/00	07/17/00
Seismic Test Procedure	7286-507	Rev 0	03/21/00	07/17/00
Surge Withstand Test Procedure	7286-508	Rev 1	03/21/00	07/17/00
1E/Non 1E Isolation Test Procedure	7286-509	Rev 0	03/21/00	07/17/00
EMI/RFI Test Procedure	7286-510	Rev 1	03/21/00	07/17/00
TSAP Validation Test Procedure	7286-513	Rev 0	03/21/00	07/17/00

\*) Document contains proprietary information as marked up.

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.

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 Triconex 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, 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 4(a), 4(b), and 4(f) 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 4 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.

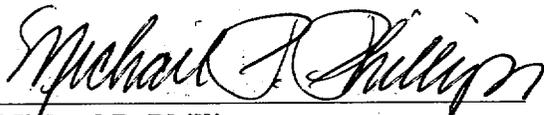
Disclosure of information in these documents would cause substantial harm to the competitive position of the Triconex, as there are other competing companies who wish to qualify digital PLC controllers for safety related application in nuclear power plants.

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**  
**Vice President, Business Development**  
**Triconex Product Line/Invensys**

Sworn to and subscribed before me

this 29<sup>th</sup> day of November, 2001

Donna E. Leo  
Notary Public

