

Mr. J. Troy Martel, P.E. December 13, 2001
Triconex Nuclear Qualification Project Director
Triconex Corporation
15345 Barranca Parkway
Irvine, California 92618

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Martel:

By your application dated September 29, 2000, and affidavit dated September 29, 2000, executed by Michael P. Phillips, you submitted the following documents: (1) 7286-531, Rev. 0, "Reliability/Availability Study," (2) 7286-542, Rev. 0, "Certificate of Conformance," and (3) 7286-540, Rev. 22, "Master Configuration List," and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. By letter dated November 15, 2000, you submitted revised copies of the documents listed above that identified the specific portions of the documents that were proprietary. By letter dated November 30, 2001, you submitted a current affidavit dated November 29, 2001, executed by Michael P. Phillips. A nonproprietary copy of these documents was transmitted by your letter dated November 15, 2000, and has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (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.
- (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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the following documents: (1) 7286-531, Rev. 0, "Reliability/Availability Study," (2) 7286-542, Rev. 0, "Certificate of Conformance," and (3) 7286-540, Rev. 22, "Master Configuration List," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-1396.

Sincerely,

/RA/

L. Raynard Wharton, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 709

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*For previous concurrences see attached ORC

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