

71-9290



January 16, 2004

Ms. Jessica M. Umana  
Physical Scientist  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
Mail Stop: 13 D13  
United States Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD  
20852-2738

**RE: Certificate of Compliance No. 9290 for the Model No. F-430/GC-40, Request for Additional Information**

Dear Ms. Umana:

Further to our telephone conversation of January 5, 2004, please find attached the corrected pages of the Safety Analysis Report.

Attached is one proprietary copy of the revised sections of IN/TR 1608 F430 and one non-proprietary copy for the Public Document Room. In addition, I have attached an affidavit to support MDS Nordion's request to withhold parts of the Safety analysis report IN/TR 1608 F430 (2e) from public disclosure.

The following sections have been updated to revision 2e and are enclosed.

- Page 1 (Cover Page)
- Chapter 2, pages 20
- Appendix 2.10.3, pages 4 and 10

If you have any questions or require further information please feel free to contact me by telephone at (613) 592-3400 extension 2421 or by email at [mcharette@mds.nordion.com](mailto:mcharette@mds.nordion.com).

Yours sincerely

Marc-André Charette  
International Transport & Nuclear Initiatives  
Manager, Regulatory Affairs

Attached: IN/TR 1608 F-430 (2e), Affidavit

Copy to: Mike Krzaniak, Blair Menna, MDS Nordion

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AFFIDAVIT

I, E. S. Martell, in my capacity as Vice President, Quality & Regulatory Affairs, having been duly authorized to apply for withholding from disclosure of proprietary information by and on behalf of MDS Nordion, a division of MDS (Canada) Inc., ("MDS Nordion"), do depose and say:

1. I, E.S. Martell, am the Vice President, Quality & Regulatory Affairs, of MDS Nordion.
2. The information contained in the MDS Nordion's document No. IN/TR 1608 F430 (2e), "Safety Analysis Report for F430/GC-40 Transport Package," is the property of MDS Nordion. This document contains proprietary information related to the design of the F-430 transport package.
3. MDS Nordion, has expended extensive funds and manpower in developing the aforementioned document and any release for disclosure of such information to third parties would enable and assist third parties to use the information to fabricate and register a similar transport package without incurring any development costs. This could compromise MDS Nordion's, ability to compete in the marketplace. Therefore, MDS Nordion, submits that the following parts of the MDS Nordion document No. IN/TR 1608 F430 (2e), "Safety Analysis Report for F430/GC-40 Transport Package," should be withheld from public disclosure.
  - Sections 2.3
  - Appendix 2.10.3 (sections 3.2 and 5)
  - Drawing F643001-001
4. The information has been held in confidence by MDS Nordion, and any disclosure thereof for developmental purposes, has been accompanied by a confidentiality agreement protecting the trade secrets contained herein.
5. The information has been transmitted to and received by the Nuclear Regulatory Commission in the United States in confidence.
6. This information is not available in public sources.
7. The information contained in this affidavit is to the best of my knowledge true and correct.

Sworn before me this 16<sup>th</sup> day of January, 2004 in the City of Ottawa, Ontario, Canada.

  
Neil J. Gofrit  
Notary Public in and  
for the Province of Ontario, Canada

per:   
E. S. Martell  
V.P., Quality and Regulatory Affairs  
MDS Nordion, a division of MDS (Canada) Inc.