

ShawPittman

A Law Partnership Including Professional Corporations

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April 20, 2001

By Federal Express

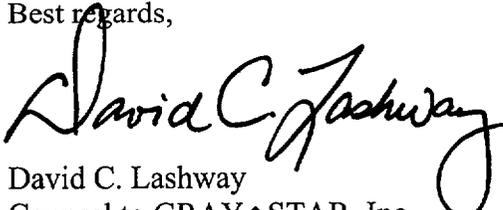
John P. Jankovich, Ph.D., Sr. Engineer
Materials Safety and Inspection Branch
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Jankovich:

Following up on our recent telephone conference, enclosed please find the Declaration of Russell Stein, Vice President and COO of GRAY♦STAR. Please substitute this affidavit for the affidavit submitted for you by letter dated April 13, 2000.

Thank you for your attention to this matter.

Best regards,


David C. Lashway
Counsel to GRAY♦STAR, Inc.

Enclosure

cc: Russell Stein
Anthony J. Thompson

WASHINGTON,)
)
DISTRICT OF COLUMBIA)

DECLARATION OF RUSSELL N. STEIN

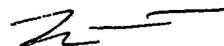
Pursuant to 10 U.S.C. section 2.790, I, Russell N. Stein, state as follows:

1. I am Vice President and Chief Operating Officer of GRAY*STAR, Inc., located in Mt. Arlington, NJ. I have been delegated the task of determining the extent to which information submitted to the agency is confidential, and am authorized to apply for its withholding on behalf of GRAY*STAR.
2. In April 1999, GRAY*STAR submitted an "Application for Sealed Source and Device Evaluation and Registration, GS-42 Sealed Source, GRAY♦STAR Model 1 Irradiator."
3. This application contained 42 engineering drawings which were clearly marked, both for transmittal purposes and in our normal course of business, as proprietary, and not be used without the prior consent of GRAY*STAR. As noted in a letter from John Jankovich of NRC, dated March 15, 2001, NRC was made aware, by the manner in which this information was transmitted that the 42 engineering drawings were confidential and proprietary.
4. The 42 engineering drawings describe in detail the design of GRAY*STAR's proprietary sealed source irradiator, and this information is held as confidential and proprietary by GRAY*STAR. Furthermore, this type of information is customarily held as confidential and proprietary by GRAY*STAR, and as such, GRAY*STAR does not release this information to any parties which are not bound to hold the information contained therein in the same confidence.
5. GRAY*STAR considers these drawings an essential part of its business as a designer, manufacturer and supplier of these irradiators. As such, it is rational that we hold our designs as confidential and proprietary so that the competitors are unable to use this information to their advantage.
6. There is no public source of the information contained in the 42 engineering drawings. Thus, the only source of this information for our competitors would be through having them placed in NRC's permanent record, which is available for public review.
7. The release of this information would allow GRAY*STAR's competitors to produce similar irradiators without incurring the same substantial development costs incurred by GRAY*STAR. This would cause substantial harm to the competitive position of GRAY*STAR in its efforts to produce and market sealed source irradiators. Without the 42 engineering drawings, our competitors would have to expend considerable capital and time to design and produce a similar irradiator in order to compete with the GRAY♦STAR Model 1 Irradiator.

8. Therefore, all 42 engineering drawings should be withheld from the public record to prevent GRAY*STAR from incurring substantial harm to its competitive position.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

DATED: April 23, 2001



RUSSELL N. STEIN



Sworn and subscribed to
before me this 23rd day
of April, 2001.

Megan E. Blanchetti

MEGAN E. BIANCHETTI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/19/2005