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May 28, 2009

Jack L. Gruenstein

By Facsimile Only (301) 415-3431

Cynthia A. Carpenter
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

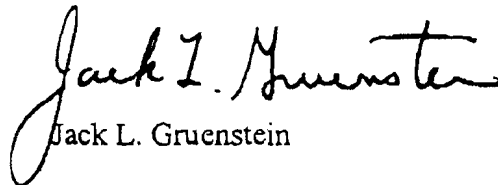
**Re: In the Matter of Dr. Gary Kao
IA-09-035**

Dear Director Carpenter:

In accordance with the Demand for Information in the above matter, issued on May 26, 2009, attached please find the Affidavit of Dr. Gary Kao in Response to Demand for Information. A true and correct copy of the Affidavit has also been sent by facsimile to the Regional Administrator of Region III.

Should you require any additional information, please do not hesitate to contact me.

Sincerely,


Jack L. Gruenstein

JLG:

cc: Regional Administrator
Region III, U.S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352
(via facsimile – 630-810-4377)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In The Matter of

Dr. Gary Kao

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IA-09-035

AFFIDAVIT OF DR. GARY KAO IN RESPONSE TO DEMAND FOR INFORMATION

Commonwealth of Pennsylvania

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)SS:

County of Philadelphia

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Before me, the undersigned notary public, this day, personally, appeared Dr. Gary Kao to me known, who being duly sworn according to law deposes in response to the Demand For Information issued by the Cynthia A. Carpenter, Director, Office of Enforcement, United States Nuclear Regulatory Commission on May 26, 2009, the following:

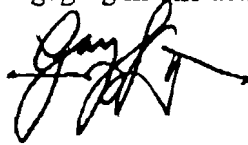
DEMAND A: Are you currently participating, or planning to participate, in any activities using byproduct material, including but not limited to brachytherapy activities, at any other NRC or Agreement State licensed facilities? **RESPONSE:** No.

DEMAND B: If the answer to A above is yes, then provide the name of the license holder(s), the NRC or Agreement State license number, and the date of the activity.

RESPONSE: Not applicable.

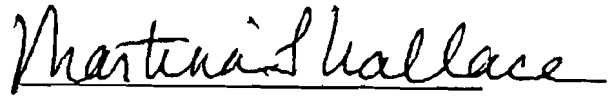
DEMAND C: Should you decide to perform any activity using byproduct material subsequent to this DFI, inform the NRC 72 hours prior to engaging in this activity.

RESPONSE: Yes, agreed.

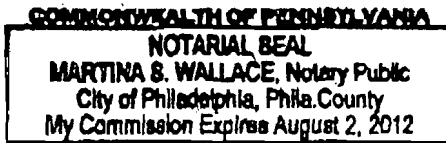


DR. GARY KAO

Subscribed and sworn to before me this 28th day of May, 2009.



Notary Public



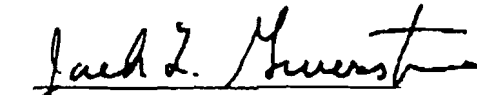
CERTIFICATE OF SERVICE

Jack L. Gruenstein, Esquire, attorney for Dr. Gary Kao hereby states that true and correct copies of the Affidavit of Dr. Gary Kao in Response to Demand for Information were served this 28th day of May 2009 by facsimile upon the following:

Cynthia A. Carpenter
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Fax No: (301) 415-3431

and

Region III Regional Administrator
U.S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352
Fax No: (630) 810-4377


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Attorneys for Dr. Gary Kao