

DOCKETED  
USNRC  
June 17, 1998

'98 JUN 18 A11:00

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF GENERAL COUNSEL  
RULE MAKING AND  
ADJUDICATION STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
MAGDY ELAMIR, M.D. ) IA 97-070  
 )  
Newark, New Jersey )

NRC STAFF'S RESPONSE TO MAGDY ELAMIR, M.D.'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to 10 C.F.R. §§ 2.744 and 2.790, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to "Magdy Elamir, M.D.'s First Set of Requests For Production of Documents," dated May 13, 1998.

Documents located in the Public Document Room (PDR), Gelman Building, 2120 L Street, N.W., Washington, D.C. 20037, are immediately available for inspection. Responsive documents not available in the PDR will be made available for inspection and copying at the offices of the U.S. Nuclear Regulatory Commission, Region I, in King of Prussia, Pennsylvania, at a time mutually agreed to by the Staff and Dr. Elamir.<sup>1</sup>

REQUEST 1

Produce the OI Report of Investigation and any supporting documents related to IA-97-070.

---

<sup>1</sup> NRC Regional Counsel, J. Bradley Fewell, will coordinate such arrangements with counsel for Dr. Elamir. He can be reached at (610) 337-5301.

19225

STAFF'S RESPONSE

The documents responsive to Request 1 are available at the offices of the NRC in Region I. Portions of these documents have been redacted to protect personal information, such as social security numbers, home addresses and telephone numbers. Counsel for Dr. Elamir has been made aware of these redactions and has informed Staff counsel that she has no objection to them as represented.

REQUEST 2

Produce all notes, reports or memoranda of any witness interviews conducted, prepared or obtained during the course of the investigation related to IA 97-070.

STAFF'S RESPONSE

The documents responsive to Request 2 are available at the offices of the NRC in Region I.

REQUEST 3

Produce all pleadings, discovery requests, discovery responses, orders, deposition transcripts, and other documents that have been filed and/or served in the matter of Aharon Ben-Haim, Ph.D., IA 97-068, and any related proceedings or actions.

STAFF'S RESPONSE

Documents responsive to Request 3, with one exception noted below, are available for inspection in the NRC's PDR. A list of those documents and their corresponding PDR accession numbers is attached hereto as "Attachment A." The transcript of Dr. Ben-Haim's deposition, taken April 24, 1998, in East Rutherford, NJ, is not available in the PDR; however, it is available for inspection and copying at the offices of the NRC in Region I.

REQUEST 4

Produce all correspondence and any other documents, other than those produced in response to the Request for Production No. 3 above, exchanged between (i) the NRC and (ii) Dr. Ben-Haim, his attorneys, agents, employees, or other representatives.

STAFF'S RESPONSE

Documents responsive to Request 4 are available for inspection in the NRC's PDR. A list of those documents and their corresponding PDR accession numbers, including those documents responsive to Request 5, are attached hereto as "Attachment B." Additional documents responsive to Request 4 are available for inspection at the offices of the NRC in Region I.

REQUEST 5

Produce all correspondence, memoranda, and any other documents, other than those produced in response to the foregoing Requests for Production, referring to or discussing IA 97-070. This request for production does not include privileged documents exchanged among members of the Office of the General Counsel or between (i) members of the Office of the General Counsel and (ii) other representatives, agents, or employees of the Nuclear Regulatory Commission.

STAFF'S RESPONSE

Documents responsive to Request 5 are available for inspection in the NRC's PDR. A list of those documents and their corresponding PDR accession numbers, including those documents responsive to Request 4, are attached hereto as "Attachment B." Additional documents responsive to Request 5 are available for inspection at the offices of the NRC in Region I.

REQUEST 6

Produce every document, other than those produced in response to the foregoing Requests for Production, that has been produced or otherwise made available to Judge Harry Rein, Special Assistant to the Atomic Safety and Licensing Board, who has been appointed as a technical interrogator in this proceeding pursuant to 10 C.F.R. § 2.722.

STAFF'S RESPONSE

The Staff has no responsive documents.

REQUEST 7

Produce the curriculum vitae and report (including documents reviewed and /or relied upon in preparing the report) of every expert whose opinion(s) you will rely upon at the hearing in this matter.

STAFF'S RESPONSE

Documents responsive to Request 7 are available for inspection at the offices of the NRC in Region I.

REQUEST 8

Produce every document, other than those produced in response to the foregoing Requests for Production, you intend to introduce as evidence or use in the examination or cross-examination of witnesses at the hearing in this matter.

STAFF'S RESPONSE

The documents responsive to Request 8 are available at the offices of the NRC in Region I.

They are as follows:

1. License No. 29-30282-01.
2. Application for License No. 29-30282-01.
3. Letter of March 16, 1996 to Magdy Elamir, M.D. from Michelle Beardsley, Region I, NRC.
4. Confirmatory Action Letter, February 6, 1997, to Magdy Elamir, M.D. from Charles W. Hehl, Region I, NRC.
5. Letter of February 14, 1997, from Aharon Ben-Haim to Charles W. Hehl, Region I, NRC.
6. Application for Materials License Amendment, February 10, 1997, from Magdy Elamir, M.D. to Mr. Richard Gibson, Mr. Charles Hehl, Region I, NRC.

7. Letter of February 7, 1997 from Pamela J. Henderson, Region I, NRC, forwarding Amendment No. 01 to License No. 29-30282-01, together with that amendment.
8. Office of Investigations Report Case No. 1-97-004, "Newark Medical Associates, P.A. False Statement in License Application Concerning the Identification of the RSO and Authorized User," July 23, 1997 and exhibits thereto.
9. Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately), September 15, 1997, 62 Fed. Reg. 49,536 (September 22, 1997).
10. Inspection Report No. 30-34086/97-001, transmitted by letter of September 5, 1997, from A. Randolph Blough, Region I, NRC, to Magdy Elamir, M.D.
11. NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy).
12. Statements of Consideration, "Revisions to Procedures to Issue Orders; Deliberate Misconduct by Unlicensed Persons." 56 Fed. Reg. 40665 (1991).
13. Letter of October 17, 1996 from Dr. Aharon Ben-Haim to Dr. Magdy Elamir.

The Staff has not yet determined what additional documents it intends to introduce in evidence. Further, the Staff has not determined at this time what additional documents it intends to use in cross-examination because the Staff does not know what witnesses Dr. Elamir intends to call or what the scope of their testimony will be.

Respectfully submitted,



Catherine L. Marco  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 17th day of June 1998

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

Accession  
Number

9806050132

Memorandum.\* Informs parties that Judge H Rein will be unable to participate further in proceeding as technical interrogator, per 10CFR2.722(a)(1).W/Certificate of Svc. Served on 980604.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980604 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 9806050132#

TASK: ODID: IA-97-070 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3665 123 A3665 124 RIDS: DS02  
-----

9806050127

Memorandum & order (telephone conference 980603, proposed findings). \* Times set for filing of proposed findings of facts & conclusions of law re evidentiary hearing on 980527-29 in Newark, NJ. W/Certificate of Svc. Served on 980604.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: BEN-HAIM, A.

AFFIL: ECI\*\*\*\*\*

ISSUED: 980604 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9806050127#

TASK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3665 118 A3665 122 RIDS: DS02  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9805060098 Application of NRC Staff for issuance of subpoena & motion for appointment of interpreter.\* Staff requests Board appoint Russian interpreter to facilitate Geylikman participation at hearing.W/Certificate of Svc.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980505 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9805060098#

TASK: ODID: DSB-298 19025 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3338 013 A3338 018 RIDS: DS07  
-----  
-----

9805210198 NRC Staff first set of interrogatories & request for production of documents & admissions.\* Staff requests that Elamir respond to listed interrogatories.W/Certificate of Svc.Related Correspondence.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: ELAMIR,M.

AFFIL: EMD\*\*\*\*\*

ISSUED: 980519 AVAIL: PDR 9pp. DOCUMENT TYPE: TTINTR FPAC: 9805210198#

TASK: ODID: DSB-298 19108 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3502 288 A3502 296 RIDS: DS07  
-----  
-----

9805200242 Answers to Interrogatories.\* Interrogatories re activities of Ben-Haim in capacity as consultant & physicist to Newark Medical Associates.Related Correspondence.

FROM: HAIM,A.B.

AFFIL: ECI\*\*\*\*\*

TO: \*

AFFIL: NRCGC

ISSUED: 980518 AVAIL: PDR 14pp. DOCUMENT TYPE: TTINTR FPAC: 9805200242#

TASK: ODID: DSB-298 19103 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3460 026 A3460 039 RIDS: DS03  
-----  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9805070166 Memorandum (appointment of Russian interpreter). \* Informs that US DOS-certified interpreter will be available for testimony of M Geylikman on 980527. Statement of guidelines encl.W/Certificate of Svc.Served on 980506.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980506 AVAIL: PDR 6pp. DOCUMENT TYPE: TTOTHR FPAC: 9805070166#

SK: ODID: DSB-298 19029 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3358 016 A3358 021 RIDS: DS02  
-----

9805060144 Application of NRC Staff for issuance of subpoena. \* Staff requests that subpoena be issued to require Smoligova to appear & testify in matter of A Ben-Haim.W/Certificate of Svc.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980505 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9805060144#

TASK: ODID: DSB-298 19027 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3338 001 A3338 006 RIDS: DS07  
-----

9805060125 Application of NRC Staff for issuance of subpoena. \* Applies for issuance of subpoena which would require G Moskowitz to appear & testify in hearing re A Ben-Haim scheduled to begin on 980527.W/Certificate of Svc.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980505 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9805060125#

TASK: ODID: DSB-298 19026 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3338 007 A3338 012 RIDS: DS07  
-----



U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9805070178 Forwards subpoena for appearance & testimony at hearing re A  
Ben-Haim to be held in Newark,NJ commencing on 980527.W/o  
encl.Related correspondence.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: GEYLIKMAN,M.

AFFIL: ECI\*\*\*\*\*

ISSUED: 980505 AVAIL: PDR 1p. DOCUMENT TYPE: CLOUT FPAC: 9805070178#

SK: ODID: DSB-298 19034 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3358 023 A3358 023 RIDs: DS07  
-----

9805070176 Forwards subpoena for appearance & testimony at hearing re A  
Ben-Haim to be held in Newark,NJ commencing on 980527.W/o  
encl.Related correspondence.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: MOSKOWITZ,G.

AFFIL: ECI\*\*\*\*\*

SUED: 980506 AVAIL: PDR 1p. DOCUMENT TYPE: CLOUT FPAC: 9805070176#

TASK: ODID: DSB-298 19032 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3358 022 A3358 022 RIDs: DS07  
-----

9805070171 Forwards subpoena for appearance & testimony at hearing re A  
Ben-Haim to be held in Newark,NJ commencing on 980527.W/o  
encl.Related correspondence.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: SMOLIGOVA,L.

AFFIL: ELGDPR

ISSUED: 980505 AVAIL: PDR 1p. DOCUMENT TYPE: CLOUT FPAC: 9805070171#

TASK: ODID: DSB-298 19033 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3358 096 A3358 096 RIDs: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9804270264      Forwards copy of ltr received from FS Hochberg, US Attorney  
for District of New Jersey, declining prosecution in matter  
of Newark Medical Associates.

FROM: HODGDON, A.P.

AFFIL: NRCGC

TO: BECHHOEFER, C.

AFFIL: NASLP

ISSUED: 980423    AVAIL: PDR      2pp.    DOCUMENT TYPE: CMMEMO    FPAC: 9804270264#

SK:

ODID: DSB-298 18986    DIN:

DPN:

DRN:

DOCKET NO: 03034086    FICHE: A3183 015 A3183 016    RIDS: DS07

-----

9805050254      NRC Staff responses to A Ben-Haim interrogatories & request  
for production of documents.\* W/Certificate of Svc.Related  
Correspondence.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 980501    AVAIL: PDR      6pp.    DOCUMENT TYPE: TTINTR    FPAC: 9805050254#

TASK:

ODID: DSB-298 19013    DIN:

DPN:

DRN:

DOCKET NO: 03034086    FICHE: A3308 001 A3308 036    RIDS: DS07

-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9805040256 Memorandum & order (telcon:lifting of stay;schedules for  
discovery & hearing).\* Informs that stay of proceedings  
terminated & schedules for discovery & hearing adopted as  
listed.W/Certificate of Svc.Served on 980501.

FROM: BECHHOEFER,C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 980501 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9805040256#

SK: ODID: DSB-298 19010 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3288 188 A3288 192 RIDs: DS02  
-----

9805010074 Informs that NRC withdrawing 980420 motion to compel B Haim  
responses to interrogatories.NRC received B Haim responses  
on 980422.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: BECHHOEFER,C.

AFFIL: NASLP

ISSUED: 980429 AVAIL: PDR 1p. DOCUMENT TYPE: CMMEMO FPAC: 9805010074#

TASK: ODID: DSB-298 19004 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3284 037 A3284 037 RIDs: DS07  
-----

9804270297 Forwards copy of ltr received from FS Hochberg,US Attorney  
for District of New Jersey,declining prosecution in matter  
of Newark Medical Association.

FROM: HODGDON,A.P.

AFFIL: NRCGC

TO: BECHHOEFER,C.

AFFIL: NASLP

ISSUED: 980423 AVAIL: PDR 2pp. DOCUMENT TYPE: CMMEMO FPAC: 9804270297#

TASK: ODID: DSB-298 18985 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3182 358 A3182 359 RIDs: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9805200131 Forwards list of witnesses & list of documents re A Ben-Haim  
in response to 980420 Order, "Notice of Evidentiary  
Hearing."

FROM: HODGDON, A. P.

AFFIL: NRCGC

TO: BECHHOEFER, C.

AFFIL: NASLP

ISSUED: 980518 AVAIL: PDR 56pp. DOCUMENT TYPE: CMMEMO FPAC: 9805200131#

JK: ODID: DSB-298 19094 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3459 249 A3459 305 RIDS: DS07  
-----

9805190183 Memorandum (telcon, 980515). \* Conference initiated as result  
of advice received by Board that counsel for Ben-Haim, EV  
Kampen, Esq, would no longer be representing Ben-Haim in  
proceeding. W/Certificate of Svc. Served on 980515.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980515 AVAIL: PDR 6pp. DOCUMENT TYPE: TTOTHR FPAC: 9805190183#

TASK: ODID: DSB-298 19075 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3458 347 A3458 352 RIDS: DS02  
-----

9805140203 Memorandum & order (telcon, 980512). \* Objections to order by  
either party may be filed within 5 days of svc of order & be  
communicated to Board & parties by telefax or e-mail.  
W/Certificate of Svc. Served on 980513.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 980513 AVAIL: PDR 7pp. DOCUMENT TYPE: TTORDR FPAC: 9805140203#

TASK: ODID: DSB-298 19067 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3400 039 A3400 045 RIDS: DS02  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9804210331 Notice of evidentiary hearing.\* Proceeding concerns request of A Ben-Haim for hearing w/respect to Order superseding Order prohibiting involvement in NRC licensed activities dtd 970827.W/Certificate of Svc.Served on 980420.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980420 AVAIL: PDR 5pp. DOCUMENT TYPE: TTOTHR FPAC: 9804210331#

SK: ODID: DSB-298 18957 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3062 259 A3062 263 RIDS: DS02  
-----

9804150321 Notice of deposition.\* Informs that NRC will take deposition of A Ben-Haim on 980422 in Newark, NJ before notary public on knowledge of facts & circumstances contained in violations in 970827 order.W/Certificate of Svc.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO:

AFFIL:

SUED: 980413 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9804150321#

TASK: ODID: DSB-298 18948 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2978 325 A2978 327 RIDS: DS07  
-----

9804100148 Appointment of special assistant.\* All correspondence, documents & other mats shall be filed w/Judge H Rein as well as w/members of ASLB.W/Certificate of Svc.Served on 980409.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980409 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 9804100148#

TASK: ODID: DSB-298 18939 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2921 241 A2921 244 RIDS: DS02  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9803050255 Memorandum & order (schedules for proceeding). \* Adopts listed schedule & requests parties to send discovery requests & responses to members of ASLB.W/Certificate of Svc.Served on 980302.

FROM: BECHHOEFER,C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 980302 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9803050255#

SK: ODID: DSB-198 18838 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2428 105 A2428 108 RIDS: DS02  
-----

9802260116 Joint motion to establish schedule.\* Staff & A Ben-Haim move Board to adopt schedule of 60 days for discovery to begin on 980302.Hearing should take place in Newark,NJ on 980512-13 . W/Certificate of Svc.

FROM: HODGDON,A.P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980224 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9802260116#

TASK: ODID: DSB-198 18827 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2327 273 A2327 276 RIDS: DS07  
-----

9804220325 NRC Staff motion to compel responses to interrogatories.\* Staff moves Board for order compelling responses to all interrogatories served by staff on Ben-Haim.W/Certificate of Svc.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980420 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9804220325#

TASK: ODID: DSB-298 18967 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A3114 180 A3114 183 RIDS: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9803240169 Errata to NRC Staff first set of interrogatories & request for production of documents & admissions.\* Corrected page due to error of filing.Corrected Certificate of Svc encl. Related correspondence.

FROM: \*

AFFIL: NRCGC

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 980316 AVAIL: PDR 2pp. DOCUMENT TYPE: TTINTR FPAC: 9803240164A

SK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2708 010 A2708 011 RIDS:  
-----

9803240164 Forwards corrected page 1, due to error, in 980316, "NRC Staff First Set of Interrogatories & Request for Production of Documents & Admissions." Corrected first page of Certificate of Svc also encl. Related correspondence.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: HOYLE, J.C.

AFFIL: NRCSEY

ISSUED: 980320 AVAIL: PDR 2pp. DOCUMENT TYPE: CMMEMO FPAC: 9803240164\*

TASK: ODID: DSB-198 18897 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2708 009 A2708 011 RIDS: DS07  
-----

9803180325 NRC Staff first set of interrogatories & request for production of documents & admissions introduction.\* Requests that Ben-Haim respond to listed interrogatories.W/ Certificate of Svc. Related Correspondence.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 980316 AVAIL: PDR 9pp. DOCUMENT TYPE: TTINTR FPAC: 9803180325#

TASK: ODID: DSB-198 18878 DIN: DPN: DRN:

DOCKET NO: 03033828 FICHE: A2627 193 A2627 201 RIDS: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9801300181      Informs that NRC will not seek to extend delay of proceedings in matter of A Ben-Haim. Dept of Justice has authorized staff to state that investigation of related matter ongoing.

FROM: HODGDON, A.P.

AFFIL: NRCGC

TO: BECHHOEFER, C.

AFFIL: NASLP

ISSUED: 980128    AVAIL: PDR      1p.    DOCUMENT TYPE: CMMEMO    FPAC: 9801300181#

SK:                    ODID: DSB-198 18768    DIN:                    DPN:                    DRN:

DOCKET NO: 03034086    FICHE: A1965 352 A1965 352    RIDs: DS07

-----

9712110133      Responds to 971105 ltr to Chairman Jackson, making personal appeal WRT enforcement matter in litigation before ASLB. Subj ltr would be considered inappropriate for Chairman or Commission to address. W/Certificate of Svc. Served on 971202

FROM: HOYLE, J.C.

AFFIL: NRCSEY

TO: BEN-HAIM, A.

AFFIL: ECI\*\*\*\*\*

SUED: 971201    AVAIL: PDR      2pp.    DOCUMENT TYPE: CLOUT    FPAC: 9712110133#

TASK:                    ODID: DSB-497 18650    DIN:                    DPN:                    DRN:

DOCKET NO: 03034086    FICHE: A1371 233 A1371 234    RIDs: DS02

-----

9712090081      Appeals to Chairman S Jackson to order w/o delay, new investigation by competent & professional investigators who will rehabilitate name. Charge of misconduct has been filed. W/Certificate of Svc. Served on 971202.

FROM: BEN-HAIM, A.

AFFIL: EMD\*\*\*\*\*

TO: THE CHAIRMAN

AFFIL: NRCC

ISSUED: 971105    AVAIL: PDR      2pp.    DOCUMENT TYPE: CLINC    FPAC: 9712090081#

TASK:                    ODID: IA-97-068      DIN:                    DPN:                    DRN:

DOCKET NO: 03034086    FICHE: A1324 348 A1324 349    RIDs: DS02

-----



U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709190039 Notice of hearing.\* Informs that ASLB granted request of A Ben-Haim for hearing re order superseding order prohibiting involvement in NRC licensed activities. W/Certificate of Svc.Served on 970916.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 970915 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9709190039#

TASK: ODID: DSB-397 18501 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0464 125 A0464 127 RIDS: DS02

-----

FROM:

AFFIL:

:

AFFIL:

ISSUED: AVAIL: DOCUMENT TYPE: FPAC:

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: FICHE: RIDS:

-----

9709190016 Memorandum & order (granting request for hearing & scheduling prehearing conference).\* Grants 970819 A Ben-Haim request for hearing re suspension from NRC licensed activities.W/Certificate of Svc.Served on 970911.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 970911 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9709190016#

TASK: ODID: DSB-397 18486 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0464 037 A0464 040 RIDS: DS02

-----

9710300166 Memorandum & order (request for hearing & stay of proceeding). \* NRC defers formal action on Elamir stay motion pending NRC receipt of that info. W/Certificate of Svc. Served on 971023.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 971023 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9710300166#

TASK: ODID: DSB-497 18593 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0963 021 A0963 025 RIDS: DS02  
-----

9710300155 Memorandum & order (staff motion for delay of proceeding). \* Request for 120-day delay, measured from 970930, date of staff motion, granted. W/Certificate of Svc. Served on 971022.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 971022 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9710300155#

TASK: ODID: DSB-497 18589 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0963 013 A0963 016 RIDS: DS02  
-----  
-----

9710240239 Forwards answer & hearing request submitted by M Elamir in response to "Order Superseding Order Prohibiting Involvement in NRC Licensed Activities" issued on 970915.

FROM: HOYLE, J. C.

AFFIL: NRCSEY

TO: COTTER, B. P.

AFFIL: NASLP

ISSUED: 971009 AVAIL: PDR 1p. DOCUMENT TYPE: CMMEMO FPAC: 9710240239\*

TASK: ODID: DSB-497 18576 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0872 097 A0872 156 RIDS: DS02  
-----

9710240221 Joint motion for schedule of proceeding & statement of issues. \* Issues for litigation should be whether two violations set forth in Staff 970827 order occurred. W/Certificate of Svc.

FROM: MARCO, C. L.

AFFIL: NRCGC  
-----

9710240239 Forwards answer & hearing request submitted by M Elamir in response to "Order Superseding Order Prohibiting Involvement in NRC Licensed Activities" issued on 970915.

FROM: HOYLE, J.C.

AFFIL: NRCSEY

TO: COTTER, B.P.

AFFIL: NASLP

ISSUED: 971009 AVAIL: PDR 1p. DOCUMENT TYPE: CMMEMO FPAC: 9710240239\*

TASK: ODID: DSB-497 18576 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0872 097 A0872 156 RIDS: DS02

-----

9710240221 Joint motion for schedule of proceeding & statement of issues.\* Issues for litigation should be whether two violations set forth in Staff 970827 order occurred. W/Certificate of Svc.

FROM: MARCO, C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 970930 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9710240221#

TASK: ODID: DSB-497 18536 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0871 358 A0871 361 RIDS: DS07

-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709080053 Establishment of Atomic Safety & Licensing Board.\* Board  
being established to preside over A Ben-Haim proceeding re  
order prohibiting involvement in NRC-licensed activities.  
W/Certificate of Svc.Served on 970826.

FROM: COTTER, B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 970825 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9709080053#

TASK: ODID: DSB-397 18454 DIN: DPN: DRN:

DOCKET NO: 03033828 FICHE: A0286 027 A0286 029 RIDS: DS02

-----

9709020086 Order superseding order prohibiting involvement in NRC  
licensed activities (effective immediately). Ben-Haim  
prohibited from engaging in NRC activities for period of 5  
yrs from 970731.

FROM: LIEBERMAN, J.

AFFIL: NRCC

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 970827 AVAIL: PDR 15pp. DOCUMENT TYPE: TTORDR FPAC: 9709020078A

TASK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0241 079 A0241 091 RIDS:

-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709080066 Joint motion to amend immediate effectiveness challenge  
schedule.\* Ben-Haim & Staff motion should be granted, for  
good cause shown.W/notice of appearance & Certificate of  
Svc.

FROM: HODGDON, A.P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 970822 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9709080066#

TASK: ODID: DSB-397 18456 DIN: DPN: DRN:

DOCKET NO: 03033828 FICHE: A0286 068 A0286 073 RIDS: DS07  
-----

9711100089 Board notification 97-002:re insp rept 30-34086/97-01 dtd  
970905 which documents NRC findings at Newark Medical Assoc,  
licensee for which A Ben-Haim performed consulting svcs.

FROM: PICCONE, J.M.

AFFIL: NOMACDIO

TO: \*

AFFIL: NASLP

ISSUED: 970915 AVAIL: PDR 1p. DOCUMENT TYPE: CMNOTB FPAC: 9711100089#

TASK: ODID: DSB-497 18504 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A1059 116 A1059 128 RIDS: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9710060397 Prehearing conference order (denying rescission & establishing schedules). \* Denies A Ben-Haim 970819 motion to rescind re NRC staff order on 970827.W/Certificate of Svc. Served on 970925.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: ECI\*\*\*\*\*

ISSUED: 970925 AVAIL: PDR 9pp. DOCUMENT TYPE: TTORDR FPAC: 9710060397#

SK: ODID: DSB-497 18524 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0620 161 A0620 169 RIDS: DS02  
-----

9709300145 Answer of A Ben-Haim to order superseding order prohibiting involvement in NRC licensed activities. Subj order should not have been issued, based on foregoing reasons. Formal hearing of subj matter requested.

FROM: BEN-HAIM, A.

AFFIL: EMD\*\*\*\*\*

TO: \*

AFFIL: NRCC

ISSUED: 970918 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9709300145#

TASK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0545 209 A0545 211 RIDS: DS03  
-----

9709120118 NRC Staff response to request to set aside immediate effectiveness of order superseding order prohibiting involvement in NRC licensed activities. \* Request to set aside order should be denied.W/Certificate of Svc.

FROM: HODGDON, A. P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 970908 AVAIL: PDR 90pp. DOCUMENT TYPE: TTPLED FPAC: 9709120118#

TASK: ODID: DSB-397 18479 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0351 088 A0351 177 RIDS: DS07  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709260367 EN-97-079: on 970731, notice of order superseding order prohibiting involvement in NRC-licensed activities (effectively immediately) issued to A Ben-Haim. Action based on evidence obtained during investigation by NRC OI.

FROM: DELMEDICO, J. AFFIL: NE SEN

TO: AFFIL:

ISSUED: 970827 AVAIL: PDR 1p. DOCUMENT TYPE: TIEN FPAC: 9709260367#

TASK: ODID: EN-97-079 DIN: DPN: DRN:

DOCKET NO: FICHE: A0568 189 A0568 189 RIDS: IE33

-----

9709260041 Transcript of 970918 prehearing in Newark, NJ re matter of A Ben-Haim. Pp 1-52. W/Certificate of Svc.

FROM: \* AFFIL: NASLP

TO: AFFIL:

ISSUED: 970918 AVAIL: PDR 54pp. DOCUMENT TYPE: TTTRAN FPAC: 9709260041#

TASK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0548 195 A0548 248 RIDS: TR01

-----

9709080054 Joint motion to amend immediate effectiveness challenge schedule.\* Order prohibiting A Ben-Haim from engaging in NRC activities was issued on 970731. W/Certificate of Svc. Served on 970826.

FROM: BECHHOEFER, C. AFFIL: NASLP

TO: \* AFFIL: NASLP

ISSUED: 970825 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9709080054#

TASK: ODID: DSB-397 18457 DIN: DPN: DRN:

DOCKET NO: 03033828 FICHE: A0286 030 A0286 031 RIDS: DS02

-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9710240200 Establishment of Atomic Safety & Licensing Board.\* Informs  
that Board being established to preside over listed  
proceeding.W/Certificate of Svc.Served on 971015.

FROM: COTTER,B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 971015 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9710240200#

TASK: ODID: DSB-497 18577 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0886 170 A0886 172 RIDS: DS02  
-----

9710240171 Declaration of BA Levy,AUSA.\* Affidavit of BA Levy in  
support of application of NRC Staff for stay of pending  
proceeding.W/Certificate of Svc.

FROM: LEVY,B.A.

AFFIL: ECI\*\*\*\*\*

TO:

AFFIL:

ISSUED: 970926 AVAIL: PDR 6pp. DOCUMENT TYPE: TTAFF FPAC: 9710240161A

TASK: ODID: IA-97-068 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0871 284 A0871 289 RIDS:  
-----

9710240161 NRC Staff motion for delay of proceeding.\* Staff motion for  
delay of 120 days for proceeding re A Ben-Haim (licensee)  
should be granted.

FROM: MARCO,C.L.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 970930 AVAIL: PDR 10pp. DOCUMENT TYPE: TTPLED FPAC: 9710240161\*

TASK: ODID: DSB-497 18544 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0871 274 A0871 289 RIDS: DS07  
-----



U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9710300176 Notice of hearing.\* Board has granted request of M Elamir for hearing in listed proceeding by memorandum & order dtd 971023.W/Certificate of Svc.Served on 971023.

FROM: BECHHOEFER,C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 971023 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9710300176#

JK:

ODID: DSB-497 18594 DIN:

DPN:

DRN:

DOCKET NO: 03034086 FICHE: A0963 030 A0963 032 RIDS: DS02  
-----

9710300166 Memorandum & order (request for hearing & stay of proceeding).\* NRC defers formal action on Elamir stay motion pending NRC receipt of that info.W/Certificate of Svc.Serve d on 971023.

FROM: BECHHOEFER,C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 971023 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9710300166#

TASK:

ODID: DSB-497 18593 DIN:

DPN:

DRN:

DOCKET NO: 03034086 FICHE: A0963 021 A0963 025 RIDS: DS02  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9710240242 Forwards listed documents, per Commission 970731 demand for  
info & 970915 order superseding order prohibiting  
involvement in NRC licensed activities, in original state

FROM: NOSOWSKI, R.

AFFIL: ELG\*\*\*\*\*

TO: \*

AFFIL: NRCSEY

ISSUED: 971004 AVAIL: PDR 2pp. DOCUMENT TYPE: CLINC FPAC: 9710240239A

TASK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0872 098 A0872 099 RIDS:  
-----

9710240239 Forwards answer & hearing request submitted by M Elamir in  
response to "Order Superseding Order Prohibiting Involvement  
in NRC Licensed Activities" issued on 970915.

FROM: HOYLE, J.C.

AFFIL: NRCSEY

TO: COTTER, B.P.

AFFIL: NASLP

ISSUED: 971009 AVAIL: PDR 1p. DOCUMENT TYPE: CMMEMO FPAC: 9710240239\*

TASK: ODID: DSB-497 18576 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0872 097 A0872 156 RIDS: DS02  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9712010141 NRC Staff response to licensing board order.\* Informs that staff does not object to Elamir 971004 stay request.

FROM: HODGDON, A.P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 971114 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9712010141\*

JK:

ODID: DSB-497 18619 DIN:

DPN:

DRN:

DOCKET NO: 03034086 FICHE: A1253 063 A1253 086 RIDS: DS07  
-----

9712010120 Memorandum & order (deferral pending Dept of Justice investigation). \* Taking into account circumstance that Doctor Elamir himself seeks stay, NRC grants stay of full 120 days per DOJ request. W/Certificate of Svc. Served on 971118.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: EUSDOJ

ISSUED: 971118 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9712010120#

TASK:

ODID: 98-734-01-EA DIN:

DPN:

DRN:

DOCKET NO: 03034086 FICHE: A1251 355 A1251 358 RIDS: DS02  
-----

9712010153 Declaration of BA Levy.\* Informs that Elamir stay should be for no less than 120 days, subj to possibility of request for extension. W/Certificate of Svc.

FROM: LEVY, B.A.

AFFIL: ESGNJ

TO:

AFFIL:

ISSUED: 971105 AVAIL: PDR 19pp. DOCUMENT TYPE: TTAFF FPAC: 9712010141A

TASK:

ODID: IA-97-070 DIN:

DPN:

DRN:

DOCKET NO: 03034086 FICHE: A1253 068 A1253 086 RIDS:  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709160125 Insp rept 30-34086/97-01 on 970129,0206 & 07 & 0621.No  
violations noted.Major areas inspected:organization,scope of  
licensed activities,personnel monitoring,facilities &  
equipment,surveys & contamination control & posting.

FROM: GIBSON,R. AFFIL: NE R1

TO: AFFIL:

ISSUED: 970905 AVAIL: PDR 8pp. DOCUMENT TYPE: TIINSP FPAC: 9709160113A

SK: ODID: 30-34086/97-01 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0399 052 A0399 059 RIDS:

-----

9709160113 Forwards insp rept 30-34086/97-01 on 970129,0206 & 07 &  
0621.No violations noted.Insp consisted of observations by  
inspector,interviews w/personnel & selective exam of  
representative records.

FROM: BLOUGH,A.R. AFFIL: NE R1

TO: ELAMIR,M. AFFIL: EMD\*\*\*\*\*

SUED: 970905 AVAIL: PDR 3pp. DOCUMENT TYPE: CLOUT FPAC: 9709160113\*

TASK: ODID: 30-34086/97-01 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0399 049 A0399 059 RIDS: IE07

-----

9708150128 Informs that 970808 request for extension of 30 days in  
which to respond to Order (IA 97-064) & Demand for Info (EA  
97-308) issued respectively on 970731,has been granted.

FROM: LIEBERMAN,J. AFFIL: NE SEN

TO: ELAMIR,M. AFFIL: EMD\*\*\*\*\*

ISSUED: 970814 AVAIL: PDR 1p. DOCUMENT TYPE: CLOUT FPAC: 9708150128#

TASK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0072 095 A0072 095 RIDS: IE14

-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709110085 Demand for info, issued to Newark Medical Associates to provide opportunity for licensee to describe why NRC license should not be suspended or revoked.

FROM: JORDAN, E.L.

AFFIL: NE ED

TO:

AFFIL:

ISSUED: 970731 AVAIL: PDR 5pp. DOCUMENT TYPE: TTOTHR FPAC: 9709110080A

SK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0357 240 A0357 244 RIDS:  
-----

9709110080 Discusses insp on 970129 at facility to determine whether activities authorized by license were conducted safely & IAW NRC requirements. Encl demand for info being issued for licensee to explain why license should not be revoked.

FROM: JORDAN, E.L.

AFFIL: NE ED

TO: ELAMIR, M.

AFFIL: EMD\*\*\*\*\*

SUED: 970731 AVAIL: PDR 2pp. DOCUMENT TYPE: CLOUT FPAC: 9709110080\*

TASK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0357 238 A0357 244 RIDS: DF03  
-----

9709220046 Grants 970916 request for extension to 971006, in order to respond to Demand for Info (EA 97-308) issued on 970931. X

FROM: LIEBERMAN, J.

AFFIL: NE SEN

TO: ELAMIR, M.

AFFIL: EMD\*\*\*\*\*

ISSUED: 970917 AVAIL: PDR 1p. DOCUMENT TYPE: CLOUT FPAC: 9709220046#

TASK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0469 076 A0469 076 RIDS: IE14  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9806020123 Transcript of 980527 public meeting in Newark, NJ re A  
Ben-Haim, Upper Montclair, NJ, evidentiary hearing. Pp 53-344.  
Supporting documentation encl.

FROM: \* AFFIL: NASLP  
TO: AFFIL:  
ISSUED: 980527 AVAIL: PDR 230pp. DOCUMENT TYPE: TTTRAN FPAC: 9806020123#  
SK: ODID: DSB-298 19149 DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A3595 001 A3595 325 RIDS: TR01  
-----

9805210198 NRC Staff first set of interrogatories & request for  
production of documents & admissions.\* Staff requests that  
Elamir respond to listed interrogatories.W/Certificate of  
Svc.Related Correspondence.

FROM: MARCO, C.L. AFFIL: NRCGC  
TO: ELAMIR, M. AFFIL: EMD\*\*\*\*\*  
SUED: 980519 AVAIL: PDR 9pp. DOCUMENT TYPE: TTINTR FPAC: 9805210198#  
TASK: ODID: DSB-298 19108 DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A3502 288 A3502 296 RIDS: DS07  
-----

9806020136 Transcript of 980528 public meeting in Newark, NJ re A  
Ben-Haim, Upper Montclair, NJ, evidentiary hearing. Pp  
345-650. Supporting documentation encl.

FROM: \* AFFIL: NASLP  
TO: AFFIL:  
ISSUED: 980528 AVAIL: PDR 326pp. DOCUMENT TYPE: TTTRAN FPAC: 9806020136#  
TASK: ODID: DSB-298 19150 DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A3594 001 A3594 332 RIDS: TR01  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9709170193 Forwards order superseding order prohibiting involvement in  
NRC licensed activities.W/o encl.

FROM: SATORIUS,M.A.

AFFIL: NE SEN

TO: MEYER,D.L.

AFFIL: NEAACSQ

ISSUED: 970916 AVAIL: PDR 1p. DOCUMENT TYPE: CMMEMO FPAC: 9709170193#

SK: ODID: IA-97-070 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0417 286 A0417 286 RIDS: IE14  
-----

9709170102 Order superseding order prohibiting involvement in NRC-  
licensed activities (effective immediately).M Elamir  
prohibited from engaging in NRC activities for period of 5  
yrs from 970731.

FROM: THADANI,A.C.

AFFIL: NE ED

TO:

AFFIL:

ISSUED: 970915 AVAIL: PDR 11pp. DOCUMENT TYPE: TTORDR FPAC: 9709170057A

TASK: ODID: IA-97-070 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0417 205 A0417 215 RIDS:  
-----

9709170057 Forwards order superseding order prohibiting involvement in  
NRC licensed activities (effective immediately) for period  
of 5 yrs from 970731,due to deliberate violations of NRC  
requirements.

FROM: THADANI,A.C.

AFFIL: NE ED

TO: ELAMIR,M.

AFFIL: EMD\*\*\*\*\*

ISSUED: 970915 AVAIL: PDR 2pp. DOCUMENT TYPE: CLOUT FPAC: 9709170057\*

TASK: ODID: IA-97-070 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0417 203 A0417 215 RIDS: IE14  
-----

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9804100138 Appointment of special assistant.\* All correspondence, documents & other matls shall be filed w/Judge H Rein, who has been appointed technical interrogator in proceeding & w/members of ASLB.W/Certificate of Svc.Served on 980409.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 980409 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 9804100138#

ASK: ODID: DSB-298 18938 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2921 237 A2921 240 RIDS: DS02  
-----

9804080189 Memorandum & order (telcon call, 980326).\* Board deferred decision of Elamir motion pending receipt of addl info. W/Certificate of Svc.Served on 980406.

FROM: BECHHOEFER, C.

AFFIL: NASLP

TO: \*

AFFIL: NRCGC

ISSUED: 980406 AVAIL: PDR 6pp. DOCUMENT TYPE: TTORDR FPAC: 9804080189#

TASK: ODID: DSB-298 18924 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2902 168 A2902 173 RIDS: DS02  
-----

9803260168 NRC Staff opposition to M Elamir, MD motion to extend stay.\* For reasons discussed, NRC Staff opposes Elamir motion & urges Licensing Board to deny motion.W/Certificate of Svc.

FROM: HODGDON, A. P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 980324 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9803260168#

TASK: ODID: DSB-198 18906 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A2748 166 A2748 172 RIDS: DS03  
-----



U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9803060164 Memorandum & order (extension of stay). \* NRC Staff has not had opportunity to respond to Elamir motion. Pending receipt of Staff response & ruling on Elamir motion, proceeding shall remain stayed. W/Certificate of Svc. Served on 980305.

FROM: BECHHOEFER, C. AFFIL: NASLP  
TO: \* AFFIL: NRCGC  
ISSUED: 980305 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 9803060164#  
TASK: ODID: DSB-198 18849 DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A2459 072 A2459 074 RIDS: DS03

---

9803050300 Memorandum in support of motion of M Elamir MD to extend stay. \* Elamir now seeks ninety-day extension of stay because Government has not determined whether to decline Commission referral or to prosecute Elamir. W/Certificate of Svc.

FROM: NOSOWSKY, R. AFFIL: EMD\*\*\*\*\*  
TO: \* AFFIL: NRCC  
ISSUED: 980303 AVAIL: PDR 10pp. DOCUMENT TYPE: TTPLED FPAC: 9803050298A  
TASK: ODID: 98-734-01-EA DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A2428 086 A2428 095 RIDS:

---

9803050298 Motion to extend stay. \* Respondent M Elamir moves Board to extend stay previously granted in matter for additional ninety days through 980601 for reasons set forth in attached memo.

FROM: NOSOWSKY, R. AFFIL: EMD\*\*\*\*\*  
TO: \* AFFIL: NRCC  
ISSUED: 980303 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9803050298\*  
TASK: ODID: DSB-198 18845 DIN: DPN: DRN:  
DOCKET NO: 03034086 FICHE: A2428 082 A2428 095 RIDS: DS03

---

U.S. NUCLEAR REGULATORY COMMISSION  
NUDOCS PARTIAL RECORD FORMAT REPORT

9710300154 NRC Staff answer in support of M Elamir,MD request for stay of all proceedings.\* NRC staff does not oppose Elamir motion & recommends that Licensing Board grant it.W/Certificate of Svc & notice of appearances of AP Hodgdon & CL Marco.

FROM: HODGDON,A.P.

AFFIL: NRCGC

TO: \*

AFFIL: NASLP

ISSUED: 971021 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9710300154#

ASK: ODID: DSB-497 18588 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0932 205 A0932 209 RIDS: DS07  
-----

9710240296 FOIA request for documents re investigation rept & insp rept 30-34086/97-00.

FROM: ROBINSON,P.D.

AFFIL: ELGWINS

TO: LIEBERMAN,J.

AFFIL: NE SEN

ISSUED: 970926 AVAIL: PDR 2pp. DOCUMENT TYPE: CLINC FPAC: 9710240286A

TASK: ODID: 30-34086/97-00 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0881 178 A0881 187 RIDS:  
-----

9710240250 Answer of M Elamir to Commission 970915 order superseding order prohibiting involvement in NRC licensed activities.\* Superseding order should be set aside or modified. W/Certificate of Svc.

FROM: LEE,T.H.

AFFIL: ELG\*\*\*\*\*

TO: \*

AFFIL: NRCZ

ISSUED: 971006 AVAIL: PDR 57pp. DOCUMENT TYPE: TTPLED FPAC: 9710240239B

TASK: ODID: EA-97-308 DIN: DPN: DRN:

DOCKET NO: 03034086 FICHE: A0872 100 A0872 156 RIDS:  
-----

CAPS LOCK

<<NUDOCS/AD>> CON31 Nuclear Regulatory Commission ADQ73 V6.3.23.0  
 = Records 26 - 30 === Subject/Field/Boolean Results = Select Count 30 =

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9709260365 (TXT)		DELMEDICO, J.	NE SEN	970915	A0568-188/A0568-188
		EN-97-087: on 970731, notice of order superseding order prohibiting involvement in NRC-licensed activities (effective			
9709170102 (*)	03034086	THADANI, A.C.	NE ED	970915	A0417-205/A0417-215
		Order superseding order prohibiting involvement in NRC- licensed activities (effective immediately). M Elamir prohibited from			
9712010153 (*)	03034086	LEVY, B.A.	ESGNJ	971105	A1253-068/A1253-086
		Declaration of BA Levy.* Informs that Elamir stay should be for no less than 120 days, subj to possibility of request for			
9712010141 (ABS)	03034086	HODGDON, A.P.	NRCGC	971114	A1253-063/A1253-086
		NRC Staff response to licensing board order.* Informs that staff does not object to Elamir 971004 stay request.			
712010120 (ABS)	03034086	BECHHOEFER, C.	NASLP	971118	A1251-355/A1251-358
		Memorandum & order (deferral pending Dept of Justice investigation). * Taking into account circumstance that Doctor			

Arrows-Scroll, ENTER-Select, F10-Mark For Download, CTRL-F9-Continue Download.  
 Count: \*5 <Replace>

CAPS LOCK

<<NUDOCS/AD>> CON31 Nuclear Regulatory Commission ADQ73 V6.3.23.0  
 = Records 21 - 25 === Subject/Field/Boolean Results = Select Count 30 =

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9710280216 (TXT)		BLAHA, J.L.	NE EDABP	971023	A0893-223/A0893-243
		Weekly info rept for wk ending 971017.			
9710240250 (*)	03034086	LEE, T.H.	ELG****	971006	A0872-100/A0872-156
		Answer of M Elamir to Commission 970915 order superseding order prohibiting involvement in NRC licensed activities.* Superseding			
9710240239 (*)	03034086	HOYLE, J.C.	NRCSEY	971009	A0872-097/A0872-156
		Forwards answer & hearing request submitted by M Elamir in response to "Order Superseding Order Prohibiting Involvement in			
9710240200 (ABS)	03034086	COTTER, B.F.	NASLP	971015	A0886-170/A0886-172
		Establishment of Atomic Safety & Licensing Board.* Informs that Board being established to preside over listed			

<NUDOCS/AD>> CON31 Nuclear Regulatory Commission ADQ73 V6.3.23.0  
 = Records 11 - 15 === Subject/Field/Boolean Results = Select Count 30 =

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9803050298 (* )	03034086	NOSOWSKY,R.	EMD****	980303	A2428-082/A2428-095
Motion to extend stay.* Respondent M Elamir moves Board to extend stay previously granted in matter for additional ninety					

<<NUDOCS/AD>> CON31 Nuclear Regulatory Commission ADQ73 V6.3.23.0  
 = Records 16 - 20 === Subject/Field/Boolean Results = Select Count 30 =

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9711120243 (TXT)		BLAHA,J.L.	NE EDABP	971105	A1068-340/A1068-360
Weekly info rept for wk ending 971031.					
11070227 (TXT)		BLAHA,J.L.	NE EDABP	971029	A1051-001/A1051-020
Weekly info rept for wk ending 971024.					
9710300176 (ABS)	03034086	BECHHOEFER,C.	NASLP	971023	A0963-030/A0963-032
Notice of hearing.* Board has granted request of M Elamir for hearing in listed proceeding by memorandum & order dtd					
9710300166 (ABS)	03034086	BECHHOEFER,C.	NASLP	971023	A0963-021/A0963-025
Memorandum & order (request for hearing & stay of proceeding).*					
NRC defers formal action on Elamir stay motion pending NRC					
9710300154 (ABS)	03034086	HODGDON,A.P.	NRCGC	971021	A0932-205/A0932-209
NRC Staff answer in support of M Elamir,MD request for stay of all proceedings.* NRC staff does not oppose Elamir motion &					

Arrows-Scroll, ENTER-Select, F10-Mark For Download, CTRL-F9-Continue Download.  
 Count: \*5 <Replace>

CAPS LOCK

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9804020146 (*)	*		NRCZ	980326	A2931-001/A2931-022
Transcript of 980326 telcon of M Elamir (closed) in Rockville,MD.Pp 1-19.Certificate encl.					
9803260168 (ABS)	03034086	HODGDON,A.P.	NRCGC	980324	A2748-166/A2748-172
NRC Staff opposition to M Elamir,MD motion to extend stay.* For reasons discussed,NRC Staff opposes Elamir motion & urges					
9803240146 (*)	30034086	BECHHOEFER,C.	NASLP	980323	A2708-020/A2708-023
Memorandum & order (telcon:Staff response to stay request).*					
Informs that Staff time for response to M Elamir 980303 sta y					
9803060164 (ABS)	03034086	BECHHOEFER,C.	NASLP	980305	A2459-072/A2459-074
Memorandum & order (extension of stay).* NRC Staff has not had opportunity to respond to Elamir motion.Pending receipt of Staff					
9803050300 (ABS)	03034086	NOSOWSKY,R.	EMD****	980303	A2428-086/A2428-095
Memorandum in support of motion of M Elamir MD to extend stay.* Elamir now seeks ninty-day extension of stay because Government					

rows-Scroll, ENTER-Select, F10-Mark For Download, CTRL-F9-Continue Download.  
 it: \*5 <Replace>

CAPS LOCK

<<NUDOCS/AD>> CON31 Nuclear Regulatory Commission ADQ73 V6.3.23.0  
 = Records 1 - 5 == Subject/Field/Boolean Results = Select Count 30 =

Accession#	Docket	Author Name	Affil	Issued	Microfiche Address
9805210198 (*)	03034086	MARCO,C.L.	NRCGC	980519	A3502-288/A3502-296
NRC Staff first set of interrogatories & request for production of documents & admissions.* Staff requests that Elamir respond					
9805050323 (TXT)		BLAHA,J.L.	NE EDABP	980415	A3308-037/A3308-057
Weekly info rept for wk ending 980410.					
9805040256 (ABS)	03034086	BECHHOEFER,C.	NASLP	980501	A3288-188/A3288-192
Memorandum & order (telcon:lifting of stay;schedules for discovery & hearing).* Informs that stay of proceedings					
9804230069 (TXT)		BLAHA,J.L.	NE EDABP	980416	73689-036/73689-057
Weekly info rept for wk ending 980410.					
9804080189 (ABS)	03034086	BECHHOEFER,C.	NASLP	980406	A2902-168/A2902-173
Memorandum & order (telcon call,980326).* Board deferred decision of Elamir motion pending receipt of addl info.					

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'98 JUN 18 A11 :00

In the Matter of )  
 )  
MAGDY ELAMIR, M.D. ) IA-97-070  
 )  
Newark, New Jersey )

OFFICE OF THE DEPUTY  
COMMISSIONER  
RULEMAKING AND  
ADJUDICATION STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO MAGDY ELAMIR, M.D.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the United States mail, first class, as indicated by an asterisk this 17th day of June, 1998:

Charles Bechhoefer, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop T 3-F-23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Jerry R. Kline  
Atomic Safety and Licensing Board  
Mail Stop T 3-F-23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Peter S. Lam  
Atomic Safety and Licensing Board  
Mail Stop: T 3-F-23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Adjudicatory File (2)  
Atomic Safety and Licensing Board  
Mail Stop: T 3-F-23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Commission Appellate  
Adjudication  
Mail Stop: 16-C-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary (2)  
ATTN: Rulemaking and Adjudications  
Staff  
Mail Stop: 16-C-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Board  
Panel  
Mail Stop: T 3-F-23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Thomas H. Lee, Esq.\*  
Rachel Nosowsky, Esq.  
Dechert Price & Rhoads  
4000 Bell Atlantic Tower  
1717 Arch Street  
Philadelphia, PA 19103

Perry D. Robinson, Esq.\*  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005-3502



Catherine L. Marco  
Catherine L. Marco  
Counsel for NRC Staff