

FEB 6 1997

Docket No. 030-34086
CAL No. 1-97-004

License No. 29-30282-01

Magdy Elamir, M.D.
President
Newark Medical Associates, P.A.
810 Broad Street
Newark, New Jersey 07102

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Dr. Elamir:

During an inspection conducted from January 29 to February 6, 1997 by Richard Gibson, Jr., of the NRC Region I office, the inspector identified that the Radiation Safety Officer and sole authorized user had discontinued his duties at Newark Medical Associates, P.A., and identified several examples of failure to perform surveys as required by the facility license.

Pursuant to a telephone conversation between you and Penny Lanzisera of my staff on February 6, 1997, it is our understanding that you will take the following actions which will be completed by the dates specified:

1. Immediately discontinue activities with byproduct material until such time as an amendment is filed and granted naming a new Radiation Safety Officer and authorized user.
2. By February 14, 1997, your consultant, Dr. Aharon Ben-Haim, will audit all aspects of the Radiation Safety Program to determine compliance with NRC regulations and the conditions of the license. You will use the results of this audit to assess the adequacy of your Radiation Safety Program. A report of the audit and the assessment will be provided to the NRC Region I office by February 21, 1997.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and

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- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

Original Signed By:

F. Castillo
for

Charles W. Hehl, Director
Division of Nuclear Materials Safety

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cc:
State of New Jersey

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M. Elimar, M.D.
Newark Medical Associates, P.A.

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