

RELATED CORRESPONDENCE

DOCKETED  
USNRC

'98 JUN 17 P3:05  
June 17, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICATION OF THE NRC  
STAFF FOR ISSUANCE OF SUBPOENA

Pursuant to § 161c of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2201(c), and 10 C.F.R. § 2.720(a) of the Commission's regulations, the Staff of the Nuclear Regulatory Commission (Staff) applies for issuance of a subpoena. The subpoena would require Dr. Stephen Baker to appear and testify at a deposition in this matter which is scheduled to take place on June 26, 1998, in Newark, New Jersey.

Dr. Baker is the Chairman, Department of Radiology, University Hospital, University of Medicine and Dentistry of New Jersey (UMDNJ). Dr. Baker has information relevant to the subject matter of this proceeding and the facts and circumstances pertaining to negotiations between UMDNJ and Newark Medical Associates.

This request for issuance of subpoena to require Dr. Baker to appear and testify at a deposition is in compliance with 10 C.F.R. § 2.720(a) of the Commission's regulations. For this reason, the Staff respectfully requests that the subpoena be issued.

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Dr. Baker has agreed to accept service of the subpoena from the Staff by United States mail, first class postage, prepaid, at the office of Ms. Bindi Chandarana, Esq., Counsel for UMDNJ and Dr. Baker. Her address appears on the face of the subpoena.

Respectfully submitted,

*Catherine L. Marco*

Catherine L. Marco  
Counsel for NRC Staff

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

June 17, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

TO: Thomas H. Lee, Esq.  
Rachel Nosowsky, Esq.  
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4000 Bell Atlantic Tower  
1717 Arch Street  
Philadelphia, PA 19103

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

NOTICE OF DEPOSITION

Please take notice that, pursuant to 10 C.F.R. § 2.740a, the Staff of the Nuclear Regulatory Commission will take the deposition of Dr. Stephen Baker, Chairman, Department of Radiology, University Hospital, University of Medicine and Dentistry of New Jersey (UMDNJ) at 9:00 am on Friday, June 26, 1998, at UMDNJ before a notary public or some other officer authorized by law to administer oaths. The matters upon which Dr. Baker will be examined include his knowledge of the facts and circumstances pertaining to negotiations between UMDNJ and Dr. Elamir and any other matters relevant to the above-captioned proceeding.

You are invited to attend and cross-examine.

Respectfully submitted,

*Catherine J. Marco*

Catherine L. Marco  
Counsel for NRC Staff

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'98 JUN 17 P3:05

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE SECRETARY  
FOR  
RULEMAKING AND  
ADJUDICATION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "APPLICATION OF THE NRC STAFF FOR ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION" 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 or hand delivered as indicated by a double 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  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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Washington, DC 20005-3502

  
Catherine L. Marco  
Counsel for NRC Staff

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# United States of America

## NUCLEAR REGULATORY COMMISSION

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In the matter of:

Dr. Magdy Elamir, M.D.

DOCKET NO.: IA 97-070

TO

Dr. Stephen Baker  
c/o Ms. Bindi Chandarana  
Office of the Attorney General  
Division of Law  
124 Halsey St.  
P.O. Box 45029  
Newark, NJ 07101

**YOU ARE HEREBY COMMANDED to appear** at Suite #1218, Martland Building  
(UMDNJ), 65 Burgen St.

in the city of Newark, NJ 07107

on the 26th day of June 1998 at 9:00 o'clock A. M.  
to testify on behalf of the staff of the Nuclear Regulatory Commission

in the above entitled action and bring with you the document(s) or object(s) described  
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY \_\_\_\_\_

ATTORNEY FOR NRC Staff  
Catherine L. Marco  
U.S. NRC M.S. O-15-B-18  
Washington, DC 20555  
TELEPHONE (301) 415-3052

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### 10 C.F.R. 2.720 (f)

*On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the*

*presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.*

SHAW PITTMAN  
POTTS & TROWBRIDGE  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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DOCKETED  
USNRC

'98 JUN 11 P2:47

OFFICE OF THE  
GENERAL COUNSEL  
ADJUTANT GENERAL

June 8, 1998

Administrative Judge G. Paul Bollwerk, Chairman  
Administrative Judge Jerry R. Kline  
Administrative Judge Peter S. Lam  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Re: In the Matter of Private Fuel Storage L.L.C.(Private Fuel Storage Facility), Docket No. 72-22, ASLBP No. 97-732-02-ISFSI, Evaluation of Transportation Options**

Dear Chairman Bollwerk and Judges Kline and Lam:

At both the January and May prehearing conferences (see Tr. 787, 884-85), Applicant alluded to its ongoing study and evaluation of transportation alternatives for the Private Fuel Storage Facility. In order to keep the Board informed of developments in this area, Applicant wishes to advise the Board of the statement made by John Donnell, Project Director of technical and licensing activities for Private Fuel Storage, at the EIS scoping meeting for the project held last Tuesday June 2, 1998. Mr. Donnell stated as follows with respect to the topic of the project's ongoing evaluation of transportation options:

As noted in the project Environmental report and mentioned in prior NRC meetings, the project has continued to develop and evaluate alternate transportation options from the mainline railroad to the facility location. A transportation study was begun in late 1997 and completed in early 1998. This study developed several potential, alternate transportation corridors for both heavy haul and rail, and also determined additional Intermodal Transfer Point locations near the mainline railroad. The study concluded that an alternate corridor should be evaluated in more detail along the western side of Skull

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Administrative Judge G. Paul Bollwerk, Chairman  
Administrative Judge Jerry R. Kline  
Administrative Judge Peter S. Lam  
June 8, 1998  
Page 2

Valley as well as an alternate Intermodal Transfer Point location. Now that the weather has improved, detailed field surveys were begun recently and are in progress on the proposed corridor and alternate Intermodal Transfer Point. It is anticipated that this work will be completed soon. If ultimately the pursuit of the proposed corridor or alternate Intermodal Transfer Point is authorized by the Private Fuel Storage LLC, a revision to the license application will be submitted to the NRC staff to include this new information.

We will inform the Board and the parties of significant new developments as they occur.

Sincerely,



Jay E. Silberg  
Counsel for Applicant

cc: Service List

604726



**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**  
Before the Atomic Safety and Licensing Board

DOCKETED  
USNRC

'98 JUN 11 P2:47

In the Matter of )  
)  
PRIVATE FUEL STORAGE L.L.C. ) Docket No. 72-22  
)  
(Private Fuel Storage Facility) ) ASLBP No. 97-732-02-ISFSI

OFFICE OF THE  
GENERAL COUNSEL  
ADMINISTRATIVE

**CERTIFICATE OF SERVICE**

I hereby certify that copies of a letter from Counsel for Applicant to the Atomic Safety and Licensing Board dated June 8, 1998 concerning Evaluation of Transportation Options were served on the persons listed below (unless otherwise noted) by e-mail with conforming copies by U.S. mail, first class, postage prepaid, this 8th day of June, 1998.

G. Paul Bollwerk III, Esq., Chairman  
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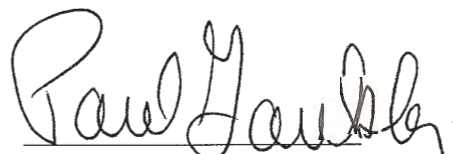
\* By U.S. mail only

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Attention: Rulemakings and Adjudications  
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(Original and two copies)

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Paul A. Gaukler