

RELATED CORRESPONDENCE

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USNRC

'98 JUN 17 P3:06
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 Ms. Barbara Savoy-Weinstein to appear and testify at a deposition in this matter which is scheduled to take place on June 26, 1998, in Newark, New Jersey. Ms. Savoy-Weinstein is the Administrator, Department of Radiology, University Hospital, University of Medicine and Dentistry of New Jersey, (UMDNJ). Ms. Savoy-Weinstein has information relevant to the subject matter of this proceeding and the facts and circumstances pertaining to negotiations between UMDNJ and Dr. Elamir.

This request for issuance of subpoena to require Ms. Savoy-Weinstein to appear and testify at a deposition is in accordance 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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Ms. Savoy-Weinstein 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 Ms. Savoy-Weinstein. 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)
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MAGDY ELAMIR, M.D.) IA 97-070
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Newark, New Jersey)

TO: Thomas H. Lee, Esq. Perry D. Robinson, Esq.
Rachel Nosowsky, Esq. Winston & Strawn
Dechert Price & Rhoads 1400 L Street, NW
4000 Bell Atlantic Tower Washington, DC 20005-3502
1717 Arch Street
Philadelphia, PA 19103

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 Ms. Barbara Savoy-Weinstein, Administrator, Department of Radiology, University Hospital, University of Medicine and Dentistry of New Jersey (UMDNJ) at 2:00 pm on Friday, June 26, 1998 before a notary public or some other officer authorized by law to administer oaths. The matters upon which Ms. Savoy-Weinstein will be examined include her knowledge of the facts and circumstances regarding 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 L. 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

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'98 JUN 17 P3:06

OFFICE OF THE SECRETARY
RULEMAKING AND ADJUDICATIONS
ADJUDICATORY STAFF

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
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
Counsel for NRC Staff

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

Dr. Magdy Elamir, M.D.

DOCKET NO: IA 97-070

TO

Ms. Barbara Savoy-Weinstein
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 19 98 at 2:00 o'clock P. 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.

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h.... and tendering to h.... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....

Total..... \$

Subscribed and sworn to before me, athis.....
day of.....,19.....

NOTE – Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the
United States or an officer or agency thereof.