



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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OFFICE OF THE
GENERAL COUNSEL

Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

OFFICE OF THE GENERAL COUNSEL
ADJUDICATION STAFF

Dr. Jerry R. Kline
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, DC 20555

In the Matter of
MAGDY ELAMIR, M.D.
Newark, New Jersey
Docket No. IA-97-070

Dear Administrative Judges:

In a telephone conference call on March 26, 1998, the Board required that by April 27, 1998, the Staff attempt to obtain a response from the Department of Justice regarding whether the Department was formally declining prosecution in the matter referred by the NRC staff's Office of Investigation concerning Newark Medical Associates. See Memorandum and Order (Telephone Conference Call, 3/26/98) (April 26, 1998). The Board indicated that it was deferring a decision on Dr. Elamir's motion to extend the existing stay pending receipt of such additional information.

The NRC staff has received a letter of declination from Faith S. Hochberg, United States Attorney for the District of New Jersey. A copy of the letter is enclosed.

Sincerely,

Ann P. Hodgdon
Counsel for NRC Staff

Enclosure: As stated

cc w/encl: Service List

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U.S. Department of Justice

*United States Attorney
District of New Jersey*

*Bruce A. Levy
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April 21, 1998

Facsimile: 610-337-5131
Barry Letts, Special Agent
Ernie Wilson, Special Agent
Nuclear Regulatory Commission
Office of Investigations Field Office, Region I
475 Allendale Road
King of Prussia, PA 19406

Re: Newark Medical Associates

Dear Messrs. Letts and Wilson:

This office is declining to prosecute the above-captioned matter and we are closing our file.

Based on the limited resources of this office, the availability of a civil remedy and the prosecution standards of this office, it is our opinion that the matter should not be the subject of a federal prosecution.

In the event you feel that continued investigation is warranted for any reasons which have not been presented to date, please contact me immediately.

Very truly yours,

FAITH S. HOCHBERG
United States Attorney

By: BRUCE A. LEVY
Assistant U.S. Attorney