

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'99 MAY 21 P3:03

In the Matter of)
)
GARY ISAKOFF) IA 98-006
)
)

NRC STAFF'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES

INTRODUCTION

Pursuant to 10 C.F.R. § 2.740(f), the staff of the Nuclear Regulatory Commission (Staff) hereby moves the Atomic Safety and Licensing Board for an order compelling responses to interrogatories served on Mr. Gary Isakoff.

DISCUSSION

On April 20, 1999, the Staff served "NRC Staff's First Set of Interrogatories and Requests for Production of Documents" on Mr. Isakoff, who is a party to this proceeding. Mr. Isakoff was required to serve a copy of the answers and objections to the interrogatories upon the Staff within 14 days after service of the interrogatories, which, since they were served by mail, entitled him to an additional five days. See 10 C.F.R. § 2.740b(b); 10 C.F.R. § 2.710. His responses were due on May 10, 1999. To date, however, the Staff has not received Mr. Isakoff's answers to any of its interrogatories. The undersigned counsel did speak with counsel for Mr. Isakoff on or about May 4, 1999, concerning his responses and was told that they would be sent early in the week of May 10, 1999. The Staff, however, did not receive the responses.

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The interrogatories request information pertaining to the witnesses Mr. Isakoff intends to call at the hearing and seek information pertaining to the facts underlying the February 24, 1999, "Order Prohibiting Involvement in NRC-Licensed Activities." As such, the interrogatories relate to potential issues in the proceeding and are necessary in order for the Staff to conduct discovery against other persons that Mr. Isakoff may call as witnesses or may reveal as knowledgeable regarding pertinent facts. Therefore, the requested interrogatories explore and could lead to the discovery of admissible evidence in this proceeding.

CONCLUSION

For the reasons set forth above, the Staff moves the Board for an order compelling responses to all of the interrogatories served by the Staff on Mr. Isakoff.¹

Respectfully submitted,



L. Michael Rafky
Counsel for NRC Staff

Dated at Rockville, Maryland
this 21st day of May 1999

¹The Staff requests that should the Board grant its motion, the Board establish a time for Mr. Isakoff to respond that would accord the Staff sufficient time prior to the close of discovery on June 18, 1999, to conduct further discovery, if necessary, related to Mr. Isakoff's responses.

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CERTIFICATE OF SERVICE

I hereby certify that copies of Counsel for NRC Staff's "MOTION TO COMPEL RESPONSE TO INTERROGATORIES" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by U.S. Mail, first class, with a conforming copy sent by facsimile, as indicated by an asterisk, this 21st day of May 1999.

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Administrative Judge
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Adjudicatory File (2)
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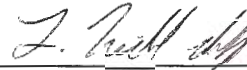
Administrative Judge
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