

DOCKETED
15 May 24, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

**GARY ISAKOFF'S RESPONSES TO THE
NRC STAFF'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Gary Isakoff, by and through his undersigned attorney hereby responds to the NRC Staff's First Set of Interrogatories and Request for Production of Documents as follows:

1. Mr. Isakoff has not yet had an opportunity to review the relevant documents and interviews on which the NRC relied in rendering its February 24th Order and therefore cannot identify all individuals with information concerning the issues and facts in the February 24th Order. However, Mr. Isakoff believes that, at a minimum, the following people have such information: Dr. Maurer, Leslie Boshko, Matt Kramer, Kelly Wharton, Dr. Jean-Luc Urbain and Vince Cherico.

2. Since Mr. Isakoff has not yet had an opportunity to review the relevant documents and interviews on which the NRC relied in rendering its February 24th Order, he is unaware of what information each of the various individuals may or may not have provided to the NRC. However, assuming that they will testify truthfully, Mr. Isakoff believes that individuals identified in response to Interrogatory No. 1 will be able to corroborate his denials. Mr. Isakoff has already testified before the NRC regarding his denials of the actions attributed to him in the February 24th Order. Mr. Isakoff incorporates here his earlier testimony, which was

memorialized by the NRC. Mr. Isakoff has not received confirmation from any persons that they would be able to provide information to assist him.

3. Since Mr. Isakoff has not yet had an opportunity to review the relevant documents and interviews on which the NRC relied in rendering its February 24th Order, he is unaware of what information each of the various individuals may or may not have provided to the NRC. He therefore has not made any decision regarding what witnesses he will or will not call to testify on his behalf.

4. Mr. Isakoff believes that his denials of the actions described in the February 24th Order are supported by: (1) copies of DDR and weekly wipe survey forms from 1994 to 1997; (2) copies of all interviews and notes of interviews conducted by Temple and by the NRC; (3) copies of the transcript of Mr. Isakoff's testimony before the NRC; (4) the documents created and maintained by, inter alia, Matt Kramer and Kelly Wharton, which purportedly memorialized Mr. Isakoff's activities; and (5) all internal reports of Temple regarding the allegations which were the subject of the NRC's February 24th Order.

5. Object. This Interrogatory is premature and seeks information that is protected by the attorney-client and/or work product privilege. Subject to and without waiver of those objections, Mr. Isakoff responds as follows: since Mr. Isakoff has not yet had an opportunity to review the relevant documents and interviews on which the NRC relied in rendering its February 24th Order, he does not know which documents, if any, he intends to move into evidence.

6. See response to Interrogatories Nos. 4 and 5.

7. Mr. Isakoff has already provided the NRC with this information and refers the NRC to copies of the transcript of Mr. Isakoff's testimony before the NRC. By way of further response, since Mr. Isakoff has not yet had an opportunity to review the relevant documents and

interviews on which the NRC relied in rendering its February 24th Order, he does not know of any facts other than those already provided to the NRC on which he will rely.

8. See response to Interrogatory No. 7.

9. See response to Interrogatory No. 7. By way of further response, Mr. Isakoff stated during his first interview with Temple University Hospital's outside counsel that he only remembers carrying a lead bar phantom down the hall. When counsel for Temple asked him if he remembered performing a bar phantom test, Mr. Isakoff stated that he did not remember whether or not he had performed the bar phantom test. During a subsequent interview, Temple's counsel read from her notes that Isakoff claimed to have performed the bar phantom test on September 28, 1996. Mr. Isakoff's previous attorney, Kevin Kelleher, reminded Ms. Swartz that Isakoff had not said that he performed the bar phantom but that Isakoff only remembered carrying the bar phantom, not actually performing the test. Mr. Kelleher was assured by Ms. Swartz that this would be corrected in her final report of the incident.

10. See response to Interrogatory No. 7.

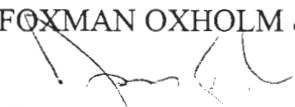
11. Mr. Isakoff does so deny.

12. It began in approximately 1991 and lasted until Mr. Isakoff's employment with Temple ended in 1997. The individuals involved were Dr. Maurer, Leslie Boshko, Matt Kramer, Kelly Wharton, Gary Isakoff, Dr. Jean-Luc Urbain and Vince Cherico.

13. Mr. Isakoff has not yet identified any expert witness who will testify on his behalf. Mr. Isakoff will supplement this Interrogatory promptly if and when he decides to retain an expert witness.

Respectfully submitted,

CONNOLLY EPSTEIN CHICCO
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By:  _____

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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CERTIFICATE OF SERVICE

I hereby certify that copies of "GARY ISAKOFF'S RESPONSES TO THE NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS" in the above-captioned proceeding have been served via first class mail, postage prepaid upon the following:

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May 24, 1999

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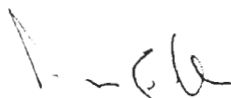
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**In the Matter of GARY ISAKOFF
(Order Prohibiting Involvement
in NRC-Licensed Activities)
Docket No. IA 98-006**

Dear Administrative Judges:

Enclosed is a copy of Gary Isakoff's Responses to the NRC Staff's First Set of Interrogatories and Request for Production of Documents in the above matter. I was not able to obtain Mr. Isakoff's signature as he is currently in Florida. However, as soon as he returns, I will provide his signed Verification to you.

Respectfully,



John F. O'Riordan

JFO:pk
Enclosure
cc (w/encl.): Service List

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