

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

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OF
ADJ

SERVED JUN - 4 1999

In the Matter of

GARY ISAKOFF

Order Prohibiting Involvement
in NRC-Licensed Activities

Docket No. IA 98-006

ASLBP No. 99-765-02-EA

June 4, 1999

MEMORANDUM AND ORDER
(Discovery Motions; Extension of Time)

Two discovery motions are before us: a motion to compel answers to interrogatories, dated May 21, 1999, and a motion to extend discovery deadline, dated May 24, 1999. We deal with them in turn.

1. On May 21, 1999, the NRC Staff filed a motion for Mr. Isakoff to respond to interrogatories which it had submitted on April 20, 1999, and for which answers were required to be served by May 10, 1999. On May 24, 1999, Mr. Isakoff submitted his answers to those interrogatories. As a result, the Staff's motion is dismissed as moot.

2. On May 24, 1999, Mr. Isakoff filed a motion to extend the discovery deadline from June 18, 1999, to August 18, 1999. Mr. Isakoff advises that the extension is being requested so that the parties "may complete an initial exchange of information and attempt to amicably resolve this

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matter without the need for a hearing." The Staff concurs in the extension motion.

The initial discovery schedule was determined in part by the Commission's expressed desire to complete proceedings expeditiously. On the other hand, the Commission also encourages parties to enforcement proceedings to attempt to reach a settlement. 10 C.F.R. § 2.203. Given these considerations, we hereby grant Mr. Isakoff's motion and extend the discovery period until August 18, 1999. The parties, jointly or severally as they may choose, shall report the status of settlement negotiations to the Licensing Board on July 19, 1999 and, as necessary, on August 18, 1999.

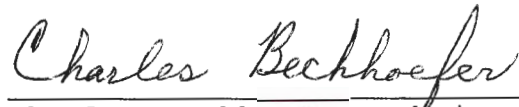
Following the first status report, the Licensing Board may convene a telephone conference to discuss progress toward settlement. In that connection, the Licensing Board hereby offers to have a settlement judge or duly qualified Atomic Safety and Licensing Board Panel employee appointed if the parties believe that settlement could be assisted by that process. The parties should advise us by no later than the date of the first status report if they believe that course of action would be beneficial to reaching settlement.

By granting the requested extension of the discovery period, the dates we previously set (see Prehearing Conference Order, dated April 20, 1999) for the parties to file lists of witnesses and documents (July 14, 1999), and

for the hearing itself (week of July 19, 1999), are no longer viable. Our Order setting those dates is hereby vacated. Under the new schedule, assuming a settlement agreement cannot be reached, the earliest the hearing can be held would be during late September, 1999.

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board

A handwritten signature in cursive script that reads "Charles Bechhoefer".

Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 4, 1999

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GARY ISAKOFF

(Order Prohibiting Involvement in
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Docket No.(s) IA-98-006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O-DISCOV. MOTS. EXT. TIME have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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U.S. Nuclear Regulatory Commission
Washington, DC 20555

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Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board Panel
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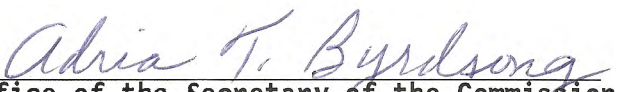
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Dated at Rockville, Md. this
4 day of June 1999


Office of the Secretary of the Commission