

DOCKETED  
July 14, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'99 JUL 19 P3:19

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

**GARY ISAKOFF'S  
FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to 10 C.F.R. §§ 2.740b and 2.741 of the Commission's regulations, Gary Isakoff ("Isakoff") hereby requests that the NRC staff ("Staff") respond to the following interrogatories, and produce for inspection and copying the documents requested.

Each interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to the Staff, based on their personal knowledge. The production of the documents requested herein shall take place at the law offices of Eckert, Seamans, Cherin & Mellott, LLC, 1515 Market Street, Ninth Floor, Philadelphia, Pennsylvania 19102 unless other arrangements are made by agreement in this regard. The Staff must serve a copy of the answers and objections to the interrogatories upon the Staff within 14 days after service of the interrogatories. In addition, the answers and objections must be filed with the Secretary of the Commission and must be served on the presiding officer. 10 C.F.R. § 2.740b(a). With respect to Mr. Isakoff's request for production of documents, 10 C.F.R. § 2.741(d) provides that the party upon whom such a request is served shall serve upon the party submitting a written response within 30 days after the service of the request.

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## DEFINITIONS AND INSTRUCTIONS

- A. These interrogatories are continuing in character until the date of the hearing, and are required to supplement your answers as additional information becomes known or available to you.
- B. Unless otherwise indicated, these interrogatories refer to the time, place and circumstances of the occurrences mentioned or complained of in the February 24, 1999 Order against Mr. Isakoff (hereafter February 24<sup>th</sup> Order).
- C. Throughout these interrogatories, the plural shall include the singular and the singular shall include the plural.
- D. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, spouse and family and, unless privileged, his attorneys.
- E. The pronoun "you" refers to the party to whom these interrogatories are addressed and the persons mentioned in Paragraph D above.
- F. If an act, event, transaction, occasion, instance, matter, course of conduct, course of action, person or writing is mentioned in response to more than one of these interrogatories, appellant need not completely and describe it, him or her in every instance, provided appellant supplies a complete identification in one such instance, and in each other instance makes a specific reference to the place paragraph and page number in the answers to these interrogatories where it, he or she is fully identified and described.
- G. "Identify," "identifying," and "identification" when referring to a natural person mean to provide an identification sufficient to notice a deposition of such person and to serve such person with process to require his or her attendance at a place of examination and shall

include without limitation his or her full name, present or last known address, present or last known business affiliation, home and business telephone number, title or occupation and each of his or her positions during the applicable period of time covered by any answer referring to such person.

H. Provide the following information in chronological order with respect to each oral communication which is the subject matter in part or in whole of any of these interrogatories:

1. Who was present.
2. The date hereof;
3. Where the same occurred, *e.g.* if in direct person-to-person conversation, the place from which each person involved actually participated; and
4. What was said by each person involved during such conversation and the order in which it was said, identifying what was said with the person speaking.

I. The term “person” as used herein means, in the plural as well as the singular, any natural person, firm, association, partnership, corporation, or other form of legal entity, unless the context indicates otherwise.

J. If any matter, documents, and/or any portion thereof responsive to any of the following interrogatories and/or Requests is being withheld and/or redacted based on any claim of privilege, for each such matter, document, and/or any portion thereof being withheld, describe by title, author, recipients, date and content, identify the privilege being relied upon and identify all persons who have had access to said matter.

- K. The term “present time” as used herein means the date on which these interrogatories were served on you.
- L. The term “document” as used herein shall mean any written matter, whether produced, reproduced or stored on paper, cards, tapes, disks, belts, charts, film, computer storage devices or any other medium and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, diaries, plans, diagrams, drawings, periodicals, lists, telephone logs, minutes, photographs and any published materials.

## **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

### **INTERROGATORY AND REQUEST NO. 1**

Identify any person to have information concerning the issues and/or facts contained in the February 24<sup>th</sup> Order against Mr. Isakoff.

### **INTERROGATORY AND REQUEST NO. 2**

Identify and provide copies of all Dosage Dispense Forms for the entire year of 1995.

### **INTERROGATORY AND REQUEST NO. 3**

Identify and provide any and all documents referring, relating, evidencing or constituting a log, report, “dossier” or notebook regarding Mr. Isakoff’s activities which was maintained by Matt Kramer, Kelly Schwengler and/or Alan Mauer.

**INTERROGATORY AND REQUEST NO. 4**

Identify and provide a copy of all notes, reports, transcripts or other documents referring or relating to interviews conducted by or on behalf of the NRC of any personnel currently or formerly employed by Temple University Hospital regarding Mr. Isakoff's activities as a Temple University Hospital employee.

**INTERROGATORY AND REQUEST NO. 5**

Identify and provide a copy of all notes, reports, transcripts or other documents referring or relating to interviews conducted by or on behalf of Temple University of any personnel currently or formerly employed by Temple University Hospital regarding Mr. Isakoff's activities as a Temple University Hospital employee.

**INTERROGATORY AND REQUEST NO. 6**

Identify and provide any and all information in your investigative file in this matter relating to Mr. Isakoff.

**INTERROGATORY AND REQUEST NO. 7**

Identify and provide copies of each and every document and/or record that you contend that was falsified by Mr. Isakoff and each and every document that you contend supports your claim that Mr. Isakoff, in fact, falsified each such document and/or record.

**INTERROGATORY AND REQUEST NO. 8**

Identify and provide a copy of Temple University Hospital's any and all information in your investigative file in this matter relating to Mr. Isakoff.

**INTERROGATORY AND REQUEST NO. 9**

Identify and provide a complete, unredacted copy of the report of Ms. Mary Jo Rodgers, dated September 30, 1997, entitled "Temple University: Falsification of a weekly survey record by a nuclear medicine technologist" as well as all exhibits identified in that report.

**INTERROGATORY AND REQUEST NO. 10**

Identify and provide a complete, unredacted copy of the report of Ms. Mary Jo Rodgers, dated August 31, 1998, entitled "Temple University: an NMT Boosted doses of Radiopharmaceuticals above the prescribed dosage without authorization from a physician authorized user" as well as all exhibits identified in that report.

Respectfully submitted,

ECKERT SEAMANS CHERIN  
& MELLOTT, LLC

By: 

John F. O'Riordan, Esquire  
1515 Market Street, 9<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 851-8485

Counsel for Gary Isakoff

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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GARY ISAKOFF )  
 )

**CERTIFICATE OF SERVICE**

I hereby certify that copies of "GARY ISAKOFF'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:

Administrative Judge  
Charles Bechhoefer  
Atomic Safety & Licensing  
Board  
Mail Stop T-3F23  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Administrative Judge  
Charles N. Kelber  
Atomic Safety & Licensing Board  
Mail Stop: T-3F23  
Washington, DC 20555

Adjudicatory File (2)  
Atomic Safety & Licensing  
Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Office of Commission Appellate  
Adjudication  
Mail Stop: O-16G15  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary (2)  
Attn: Rulemaking and  
Adjudications Staff  
Mail Stop: O-16G15  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Atomic Safety & Licensing Board  
Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Richard F. Cole  
Atomic Safety & Licensing  
Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

L. Michael Rafky, Esquire  
Office of the General Counsel  
Mail Stop: O-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555



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