

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
10/27

'99 AUG -2 P4 00

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Office of
Public
Affairs

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

JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT AND DISMISS PROCEEDING

The NRC Staff and Mr. Gary Isakoff, having reached a fair and equitable settlement of the issues involved in this proceeding, hereby submit this proposed Settlement Agreement to this Board and move that the Board approve the Agreement as drafted and dismiss the proceeding.

Respectfully submitted,

L. Michael Rafky
L. Michael Rafky
Counsel for NRC Staff

John F. O'Riordan
John F. O'Riordan
Counsel for Mr. Isakoff

Dated at Rockville, Maryland
this 2nd day of August 1999

20702

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
) Docket No. IA 98-006
)
GARY ISAKOFF) (ASLBP No. 99-765-02-EA)

SETTLEMENT AGREEMENT

WHEREAS, on February 24, 1999, the staff (Staff) of the U.S. Nuclear Regulatory Commission (NRC) issued an "Order Prohibiting Involvement in NRC-Licensed Activities" (Order) captioned IA 98-006 to Gary Isakoff (Mr. Isakoff). *See* 64 Fed. Reg. 11954 (March 10, 1999).

WHEREAS, on March 16, 1999, Mr. Isakoff answered the Order, denying all of the staff's allegations against him, and requested a hearing.

WHEREAS, it is in the public interest to terminate this proceeding without further litigation and without reaching the merits of the Order, subject to the approval of the Atomic Safety and Licensing Board (Board).

NOW THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. There has not been any adjudication of any wrongdoing by Mr. Isakoff. This Settlement Agreement shall not for any purpose be construed as an admission by Mr. Isakoff or as a concession by the NRC, and is a compromise of disputed claims. Each party shall bear its own fees and costs.

2. The February 24, 1999, Order issued to Mr. Isakoff shall be withdrawn upon the approval of this Settlement Agreement by the Board. The Staff will not take any future enforcement action against Mr. Isakoff based on Mr. Isakoff's activities as a Temple University Hospital employee as described in the February 24th Order. However, in the event Mr. Isakoff breaches this Settlement Agreement, the February 24th Order shall be reinstated and Mr. Isakoff hereby waives his right to contest such reinstatement.

3. Mr. Isakoff's March 16, 1999, request for a hearing is withdrawn, and he waives his right to a hearing in this matter and his right to contest or otherwise appeal this Settlement Agreement once approved by the Board. Mr. Isakoff's withdrawal and waiver will become effective only upon approval of this Settlement Agreement by the Board.

4. For a period of one year from the date of approval of this Settlement Agreement by the Board, Mr. Isakoff will not engage in NRC-licensed activities, or seek employment involving such activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in areas of NRC jurisdiction pursuant to the authority granted by 10 C.F.R. § 150.20.

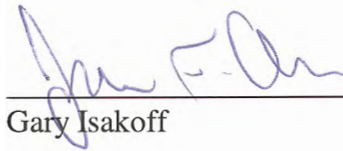
5. For a period of three years following the expiration of the one-year period described in Paragraph 4, Mr. Isakoff will inform the NRC within 20 days of accepting any employment involving NRC-licensed activities.

6. The Staff and Mr. Isakoff will file a joint motion requesting the Board to approve this Settlement Agreement and terminate the proceeding, pursuant to the Commission's regulations in 10 C.F.R. § 2.203.

IN WITNESS THEREOF, Mr. Isakoff and the Staff have caused this Settlement Agreement to be executed by their parties or their duly authorized representatives on this 28th day of July, 1999.



L. Michael Rafky, Esquire
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(Counsel for NRC Staff)



Gary Isakoff
John F. O'Riordan, Esquire
Eckert Seamans Cherin
& Mellot, LLC
1515 Market Street
Ninth Floor
Philadelphia, PA 19102
(Counsel for Gary Isakoff)

Dated at Rockville, Maryland
this 28th day of July, 1999

DO NOT REPLY
08-27

'99 AUG -2 P4:01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of Counsel for NRC Staff's and Counsel for Gary Isakoff's "JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT AND DISMISS PROCEEDING " 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 2nd day of August 1999.

Administrative Judge
Charles Bechhoefer
Atomic Safety and Licensing Board
Mail Stop T-3F23
Washington, D.C. 20555

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
Mail Stop T-3F23
Washington, D.C. 20555

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

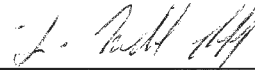
Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board
Mail Stop T-3F23
Washington, D.C. 20555

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

Office of Commission Appellate
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Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



L. Michael Rafky
Counsel for NRC Staff