

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
U.S. NUCLEAR REGULATORY COMMISSION

In the Matter of)

KERR-MCGEE CHEMICAL CORPORATION)
(West Chicago Rare Earths Facility))

Docket No. 40-2061-ML

DOCKETED
USNRC

'85 JUL -8 P12:36

PEOPLE'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO KERR-MCGEE MOTION TO COMPEL

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

The People of the State of Illinois, by their attorney, Neil F. Hartigan, move the Board for a one-month extension of time to answer Kerr-McGee's motion to compel further responses to the company's second discovery request.

The company's request was filed on March 20, 1985, and the People responded two months later (May 20). By letter dated May 31, Kerr-McGee objected to various interrogatories and requested additional responses. Three weeks later, on June 21, without waiting for the answer or calling counsel to find out when the answer could be expected, Kerr-McGee filed its motion to compel.

Kerr-McGee is in quite a hurry--considerably more of a hurry than it was in to respond to the People's last discovery request. The People's discovery request was filed on November 27, 1984. Kerr-McGee responded three months later (March 1, 1985). By letter dated March 29 the People objected to various interrogatories and requested additional responses. Two months later Kerr-McGee responded with a letter and the filing of supplemental interrogatory answers. (The People have now filed a

motion to compel with respect to certain of the interrogatories the supplemental answers to which are inadequate.)

In any event, Kerr-McGee's present motion to compel will require a detailed response.* The undersigned, who is (and will continue to be) primarily responsible for the preparation of motions and briefs, is leaving for a three-week vacation on July 4. The response to Kerr-McGee's motion would have been due under the NRC's rules on July 8. Because of the press of work which will undoubtedly face the undersigned upon her return from vacation (which work includes, as Kerr-McGee knows, the start of depositions in the DuPage County action), the People respectfully request an extension until August 8.

The People assume that Kerr-McGee will want a similar time extension for its answer to the People's motion to compel. The People would not object.

Finally, the People would like to inform the Board that another motion to compel may be coming. On November 27, 1984, the People filed interrogatories and a document request against Staff, which the Staff answered on April 19, 1985. By letter


*Primarily because the motion is full of inaccuracies, silly and unfounded innuendoes, and misstatements of the issues raised by this proceeding, all of which must be addressed--as Kerr-McGee knows full well. Indeed, it is hard not to see Kerr-McGee's motion as anything but simply one more volley in an escalating paper war by means of which the company hopes to prevail in this and the state court proceedings.

dated May 3 the People objected to various interrogatories and requested additional responses. Based on discussions with Staff counsel, it appears that supplemental interrogatories will be filed, but not until after the undersigned has left for vacation. When the People have had an adequate opportunity to review the supplemental answers, a motion will be filed if appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

NEIL F. HARTIGAN
Attorney General
State of Illinois

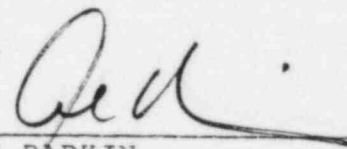


ANNE RAPKIN

ANNE RAPKIN
JAMES CARROLL
JAMES COGHLAN
JOHN PERCONTI
Assistant Attorneys General
RUSS R. EGGERT
Assistant Attorney General
Administrative Assistant
100 West Randolph Street
Chicago, Illinois 60601

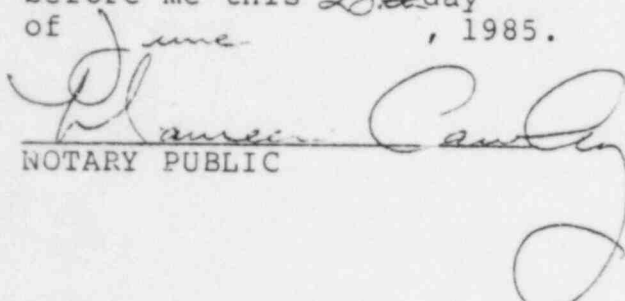
AFFIDAVIT

I, ANNE RAPKIN, on oath sworn do state that I have read the foregoing People's Motion for Extension of Time to Respond to Kerr-McGee's Motion to Compel, and that all facts stated therein of which I have knowledge are true and correct to the best of my knowledge and belief.



ANNE RAPKIN

Subscribed and Sworn to
before me this 28th day
of June, 1985.



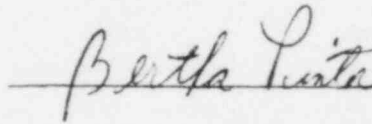
NOTARY PUBLIC

PROOF OF SERVICE

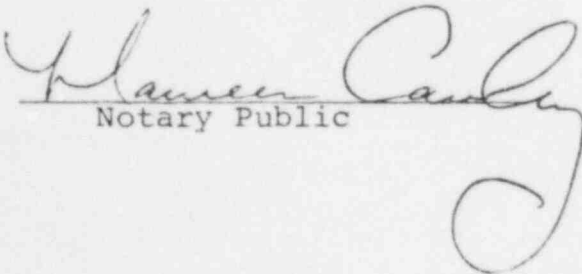
I, BERTHA PINTOR, having been sworn and under oath do state that I have this 1st day of July, 1985, served copies of the foregoing People's Motion For Extension Of Time To Respond To Kerr-McGee's Motion To Compel, upon the persons on the attached Service List by placing same in envelopes addressed to said persons by first class mail, postage prepaid, and depositing same with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

DOCKETED
USNRC

'85 JUL -8 P12:37

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Subscribed and sworn to
before me this 1st day of
July, 1985.


Notary Public

SERVICE LIST

Chief, Docketing and Service
Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Peter A. Morris
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Steven Seiple
Illinois Department of
Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Peter J. Nickles
Richard A. Meserve
Covington & Burling
P.O. Box 7566
Washington, D.C. 20044

John C. Berghoff, Jr.
Chadwell & Kayser, Ltd.
8500 Sears Tower
Chicago, Illinois 60606

Thomas W. Fawell
Fawell & Marutzky
2021 Midwest Road
Suite 206
Oak Brook, Illinois 60521

Stephen Lewis
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mead Hedglon
Kerr-McGee Corporation
Kerr-McGee Center
Oklahoma City, OK 73215