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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
KERR-McGEE CHEMICAL CORPORATION)
)
(West Chicago Rare Earths)
Facility))
)

Docket No. 40-2061-ML
ASLBP No. 83-495-01-MI

KERR-McGEE CHEMICAL CORPORATION'S MOTION FOR
EXTENSION OF TIME TO FILE REQUESTS FOR ADMISSIONS

In the Board's Memorandum and Order (Ruling on Discovery Disputes), filed September 26, 1985 and served on September 30, 1985, the Board ordered all parties to file requests for admissions pursuant to 10 C.F.R. § 2.742 within 30 days of service of the Board's Order. The Board also ordered the State of Illinois to explain its document production procedures, and to answer over forty-five interrogatories filed by Kerr-McGee that concern a broad range of issues central to this proceeding.

On October 15, 1985, the State moved for a stay of these proceedings and represented that it could not respond to Kerr-McGee's interrogatories by the date set in the Board's Order. Kerr-McGee opposed the State's motion, which is currently pending.

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add: V. Tharpe
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Because the State has not yet answered numerous interrogatories that request information relevant to the State's contentions and has not, in Kerr-McGee's view, produced all responsive documents, Kerr-McGee is unable to formulate a comprehensive set of requests for admissions. Kerr-McGee will be unable to do so at least until all of its interrogatories are answered and all responsive documents are produced by the State. In fact, it seems unlikely that any party will be able to file meaningful requests for admissions until after the completion of deposition discovery.

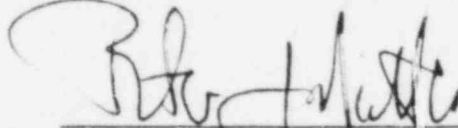
Kerr-McGee desires that this proceeding move forward expeditiously and in accordance with the Board's orders. However, because of the State's refusal to flesh out its contentions with responsive interrogatory answers and complete document disclosure, Kerr-McGee is not now in a position to formulate meaningful and comprehensive requests for admissions. Kerr-McGee therefore moves for an extension of time, pursuant to 10 C.F.R. § 2.711, to file requests for admissions. We renew our request that the State be ordered to live up to its discovery obligations immediately.

Therefore, Kerr-McGee requests that the Board extend the time for filing requests for admissions for all parties until 15 days after the close of deposition discovery.^{1/}

^{1/} The NRC Staff supports this motion. Kerr-McGee and the Staff believe that all parties should file requests for admissions simultaneously.

Alternatively, Kerr-McGee requests that it be given until 10 days after the State serves responsive interrogatory answers and produces all relevant documents to file requests for admissions.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Peter J. Nickles", written over a horizontal line.

Peter J. Nickles
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Chemical Corporation

Dated: October 30, 1985

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CERTIFICATE OF SERVICE

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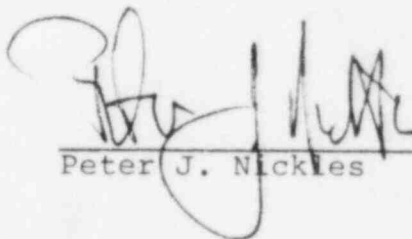
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