

RELATED CORRESPONDENCE

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

~~40-2061~~
~~ML~~

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

Docket No. 40-2061-ML

'85 DEC -9 A11:06

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MOTION FOR EXTENSION OF TIME

In its order of November 14, 1985 the Board gave the People an additional three weeks to respond to its September 26 discovery order. The People have this date responded to the order as it relates to interrogatory answers, with the exception of Interrogatory 35, and have described the document search. Despite her best efforts, however, the undersigned has been unable to fully comply with the Board's order. Therefore, the People request an extension until January 15, 1986 to supplement their answer to Interrogatory 35, to document their claims of privilege, and to provide affidavits from IDNS Director Terry R.

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PDR ADOCK 04002061
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~~DS02~~

Lash and IEPA Director Richard J. Carlson.¹

Respectfully submitted,

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¹The Board has ordered the People to submit affidavits from these individuals asserting that the information sought by Kerr-McGee Interrogatories 64(g) and 65(g) is covered by the executive privilege. The Board relies for its order on cases dealing with document discovery, apparently on the misunderstanding that Interrogatories 64(g) and 65(g) call for documents (see Board Order, p. 33). Given that the Board agrees that the information sought by Interrogatories 64(g) and 65(g) is privileged, we do not see what is added by having Dr. Lash and Mr. Carlson add their (legally incompetent) opinions that the information sought is privileged. In any case, the People will do as the Board orders, and will provide the affidavits. Letters have gone out requesting affidavits, but these affidavits have not yet been completed.