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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) )  
'85 DEC 23 A11:58

Docket No. 40-2061-ML

**DENIED**  
**For the Licensing Board**  
**Administrative Judge**  
12/19/85

PEOPLE'S MOTION TO RECONSIDER

The People hereby move the Board to reconsider portions of its September 26 order compelling the People to make further answers to dozens of interrogatories propounded by Kerr-McGee. The People respectfully submit that the Board has granted Kerr-McGee's abusive, needless, and largely unargued Motion To Compel virtually in its entirety without requiring Kerr-McGee to justify the motion, without addressing the People's arguments in opposition, and, frequently, without providing any explanation why further answers should be made. The Board's action not only puts an unwarranted burden on the People but functions as a signal to Kerr-McGee that it has unbridled discretion to utilize the Commission's discovery rules as an instrument of oppression and harassment.<sup>1</sup>

The People state more specifically as follows:

1. Kerr-McGee charged the People with "failure to respond" to 42 subparts of various interrogatories, where responses would have been called for only if the People's answers to the opening portions of the interrogatories had been different. In no instance did Kerr-McGee explain why--much less demonstrate

<sup>1</sup>The Board's order also signals Kerr-McGee that, contrary to the basic thrust of the federal civil discovery rules, it need make no effort to resolve discovery disputes with its opponents before filing a motion to compel.

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