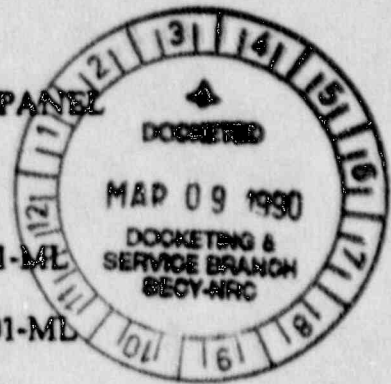


10643

2/7

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD APPEAL PANEL



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

Docket No. 40-2061-ME
ASLB No. 83-495-01-ME

WEST CHICAGO'S MOTION FOR AN EXTENSION OF TIME

Appellant, City of West Chicago, Illinois ("West Chicago"), by its attorneys, pursuant to 10 C.F.R. Section 2.711, hereby moves this panel for an extension of time in which to file its brief in support of its petition for appeal of the Initial Decision of February 13, 1990. In support of its motion, West Chicago states as follows:

1. On February 13, 1990, the Atomic Safety and Licensing Board ("ASLB") issued its Initial Decision amending Kerr-McGee's license for the West Chicago Rare Earths Facility and authorizing it to permanently stabilize wastes arising from that facility's operations in an onsite disposal cell.

2. In accordance with 10 C.F.R. Section 2.762(a), on February 22, 1990, West Chicago filed its notice of appeal herein. Under 10 C.F.R. Section 2.762(b), West Chicago has 30 days from its filing of the notice of appeal to file a supporting brief.

3. On February 21, 1990, West Chicago retained Joseph Karaganis and James Brusslan as special counsel to prepare briefs in connection with the appellate proceeding before this panel. Undersigned counsel has no prior experience with or involvement in any proceedings concerning the West Chicago facility.

9003190042 900307
PDR ADDCK C4002061
C PDR

DS03

4. In order to properly and fairly represent its client, undersigned counsel must now familiarize themselves with the entire administrative record in a proceeding that began as early as 1979 -- a record encompassing tens of thousands of pages. Among other things, counsel must review the following:

- Kerr-McGee's 1979 Stabilization Plan;
- The 1983 Final Environmental Impact Statement;
- The 12-volume, 20 binder Engineering Report submitted by Kerr-McGee in 1986;
- The 1989 Supplemental Environmental Impact Statement;
- A range of previous ASLB decisions in connection with this matter;
- Transcripts of hearings before the ASLB, consisting of over 700 pages.

5. In order to properly review the record and to fairly address the issues before this panel, outside counsel requires at a minimum an additional 90 days to prepare its brief.

6. Appellee, Kerr-McGee Chemical Corporation will not suffer prejudice if this panel affords West Chicago the requested extension of time. Kerr-McGee submitted its initial stabilization plan in 1979. Certainly an additional 90 days to fairly brief the issues on appeal will not harm Kerr-McGee. Conversely, West Chicago will suffer serious prejudice if the Commission fails to give West Chicago's counsel adequate time to thoroughly review this record and prepare its brief.

7. Counsel for West Chicago has contacted the State of Illinois ("Illinois"), counsel for Kerr-McGee ("Kerr-McGee"), and the Nuclear Regulatory Commission's staff attorney ("staff attorney") to determine if they would agree to the City's motion.

8. Kerr-McGee objected to any extension of time stating that Kerr-McGee in the instant proceeding is in a "horse race" with a separate proceeding

by the State of Illinois for authorization to regulate byproduct material. The existence of such a separate proceeding is irrelevant to the need to provide counsel for West Chicago with a full and fair opportunity to brief the instant appeal and protect the health of the citizens of West Chicago.

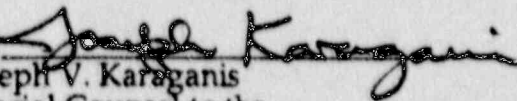
9. Counsel for the Commission staff was agreeable to an extension of time but only for three weeks.

10. Counsel for the State of Illinois had no objection to the requested extension of time.

WHEREFORE, THE CITY OF WEST CHICAGO, moves this panel to grant its motion to extend the time in which to file its brief for 90 days, until June 22, 1990.

Respectfully submitted,

CITY OF WEST CHICAGO, ILLINOIS

By: 
Joseph V. Karaganis
Special Counsel to the
City of West Chicago, Illinois

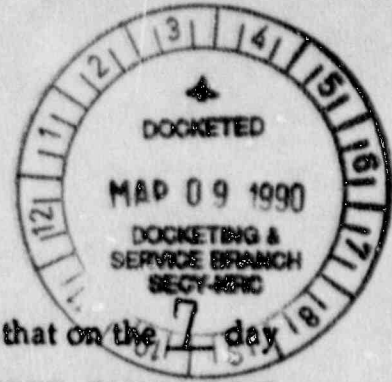
Of Counsel

Joseph V. Karaganis
James D. Brusslan
Karaganis & White Ltd.
414 North Orleans Street, Suite 810
Chicago, Illinois 60610
312/836-1177

Robert D. Greenwalt
City Attorney for West Chicago
100 Main Street
West Chicago, Illinois 60185
708/231-6636

SD/WEC007

Dated: March 7, 1990



CERTIFICATE OF SERVICE

I, James D. Brusslan, an attorney in this case do certify that on the 7 day of March, 1990, I caused to be served the foregoing WEST CHICAGO'S MOTION FOR AN EXTENSION OF TIME upon the parties listed below by Express Mail:

Peter J. Nickles, Esq.
Richard A. Meserve
Covington & Burling
1201 Pennsylvania Ave., N.W.
Washington, D.C. 20044

U.S. Nuclear Regulatory
Commission
Office of the Secretary
Docketing and Service Branch
Washington, D.C. 20555

Anne Hodgdon
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
11555 Rockville Pike
Rockville, MD 20852

Douglas J. Rathe
Assistant Attorney General
Environmental Control
Division
100 W. Randolph St., 12th Flr.
Chicago, Illinois 60601

U.S. Nuclear Regulatory
Commission
Atomic Safety and Licensing Board
Appeal Panel
East-West Towers
Room 529
Washington, D.C. 20555

U.S. Nuclear Regulatory
Commission
Office of the Secretary
16th Floor
1 White Flint North
11555 Rockville Pike
Rockville, MD 20852

and by first class mail, in envelopes bearing sufficient postage to the following parties:

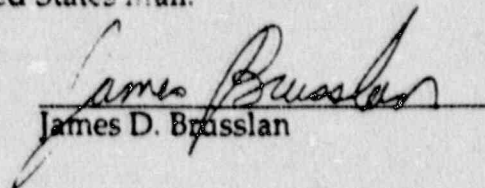
Stephen England, Esq.
Illinois Dept. of Nuclear Safety
1035 Outer Drive
Springfield, IL 62704

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel(3)
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel(5)
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

by depositing same in the United States Mail.


James D. Brusslan