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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

NOV 28 P2:40

Administrative Judges:

Thomas S. Moore, Chairman
Christine N. Kohl
Howard A. Wilber

November 28, 1990

OFFICE OF SECRETARY
DOCKETING & SERVICE
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_____)	
In the Matter of)	
)	
KERR-McGEE CHEMICAL CORPORATION)	Docket No. 40-2061-ML
)	
(West Chicago Rare Earths Facility))	
_____)	

ORDER

By order dated November 21, 1990, we set oral argument on the pending appeals and motions in this proceeding for January 9, 1991. Counsel for the City of West Chicago now requests that we move the argument to the following week and states in his motion that no other party objects to such a rescheduling. Accordingly, the motion of the City of West Chicago is granted and the oral argument will be held on Wednesday, January 16, 1991.

In order to ensure there is no misunderstanding among the parties, we stress that the oral argument will encompass the appeals of the State of Illinois and the City of West Chicago from the Licensing Board's initial decision, LBP-90-9, 31 NRC 150 (1990) and related rulings; (2) the intervenors' August 31, 1990, motion to vacate; and (3) the intervenors' October 22, 1990, motion to terminate the proceeding. The argument will be held on Wednesday, January

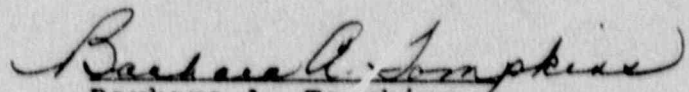
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16, 1991, at 9:30 a.m. in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For purposes of oral argument, Kerr-McGee and the NRC staff will be considered as the "same side," as will the State and the City. In the event that the Environmental Protection Agency, as amicus curiae, wishes to participate in the argument, it may do so and is deemed to be on the side of the State and the City. Each side is allotted 90 minutes of argument time, to be divided between and among the parties as they see fit. Intervenors will proceed first, and may reserve a reasonable amount of time for rebuttal. The parties are reminded to inform the Secretary to the Appeal Panel, Barbara A. Tompkins, by letter mailed no later than December 28, 1990, of the name of the persons who will present argument on their behalf.

It is so ORDERED.

FOR THE APPEAL BOARD


Barbara A. Tompkins
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

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

Docket No. (s) 40-2061-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB ORDER DTD 11/28/90 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
Thomas S. Moore, Chairman
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Docket No. (s) 40-2061-ML
AB ORDER DTD 11/28/90

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Dated at Rockville, Md. this
28 day of November 1990



Office of the Secretary of the Commission