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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED

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In the Matter of

KERR-MCGEE CHEMICAL CORPORATION

(West Chicago Rare Earths Facility)

Docket No. 40-2061-ML

ASLBP No. 83-405-01-ML

In the Matter of

KERR-MCGEE CHEMICAL CORPORATION

(Kress Creek Decontamination)

Docket No. 40-2061-SC

ASLBP No. 84-502-01-SC

KERR-MCGEE REPLY TO THE NRC STAFF TO RESPONSE TO THE KERR-MCGEE MOTION TO COMPEL PRODUCTION OF DOCUMENTS

On March 4, 1986, Kerr-McGee Chemical Corporation

("Kerr-McGee") filed a motion to compel the NRC Staff to produce
all documents in its control or possession that relate to
discussions with the State of Illinois concerning the State's
assumption of authority over the above-captioned proceedings.

Although the Staff had resisted Kerr-McGee's several informal
requests for access to these documents, the Staff responded to
the motion by disclosing the documents. In light of the Staff's
representation that all relevant documents have been produced,
the Kerr-McGee motion is now moot.

B604090179 B60404 PDR ADOCK 04002061 express its grave concern with any transfer of responsibility to the State that would serve to usurp the authority of this Board. As the documents make clear, the purpose of a transfer of authority over mill tailings to the State would be solely to give the State adjudicatory responsibility for the stabilization of the West Chicago Facility. In light of the State's role as an advocate, it no longer has the capacity to reach an impartial decision on the matters at issue in these proceedings. A transfer thus would violate due process and would raise profound questions of fundamental fairness.

Respectfully submitted,

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Counsel for Kerr-McGee Chemical Corporation

April 4, 1986

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing

Kerr-McGee Reply to the NRC Staff to Response to the Kerr-McGee

Motion to Compel Production of Documents was served by

first-class mail, postage prepaid, on this 4th day of April,

1986, as follows:

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