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OFFICE OF THE
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

DOCKET NUMBER
BYPRODUCTS 70-270/30-2278-MLA

70-270-HP-3

December 5, 1990

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Mr. Lewis C. Green, Esq.
Green, Hennings & Henry
314 North Broadway, Suite 1830
St. Louis, MO 63107

Dear Mr. Green:

This responds to the "Request for Hearing and Stay Pending Hearing" (Hearing Request) you filed on November 2, 1990 on behalf of your clients, the Missouri Coalition for the Environment, Mid-Missouri Nuclear Weapons Freeze, Inc. and Physicians for Social Responsibility/Mid-Missouri Chapter, with respect to "the proposal to amend License No. SNM 247 to authorize possession and use of plutonium 241 and of 1.992 curies of plutonium." This also responds to your letter of November 17, 1990 on the same matter. You identify as the source of this proposed license amendment the Memorandum and Order of November 1, 1990 issued by Judge Peter B. Bloch in Matter of the Curators of the University of Missouri (Byproduct License No. 24-00513-32; Special Nuclear Materials License No. SNM-247), LBP-90-38, __ NRC __ (1990).

Although Judge Bloch did authorize the NRC Staff to issue such an amendment in his Order, LBP-90-38 at 13, he deleted that authorization in a subsequent Memorandum and Order of November 15, 1990. Your hearing request acknowledges that the licensee has not filed an application for a license amendment. Hearing Request at 7. I am informed that the NRC Staff has no present intention of issuing such a license amendment. Given these facts, there is currently before the Nuclear Regulatory Commission no license amendment proceeding to which the hearing rights provided under Section 189a of the Atomic Energy Act could be applicable and it would serve no purpose to refer your request to the Atomic Safety and Licensing Board Panel for the appointment of a presiding officer. For this reason, pursuant to my authority under 10 C.F.R. § 2.772(i) and (k), I must deny your request.

Sincerely,

Samuel J. Chalk
Secretary of the Commission

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

THE UNIVERSITY OF MISSOURI

Docket No.(s) 70-270/30-2278-MLA

(Special Nuclear Materials Lic. 247
Byproduct Mat. Lic. 24-00513-32)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing CHILK LTR TO GREEN DTD 12/5 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.

Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Gustave A. Linenberger, Jr.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the General Counsel
U.S. Nuclear Regulatory Commission
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Docket No. (s) 70-270/30-2278-MLA
CHILK LTR TO GREEN DTD 12/5

Robert L. Blake, Jr., M.D.
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Mid-Missouri Chapter
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A. Bert Davis
Regional Administrator
U.S. Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, IL 60137

Dated at Rockville, Md. this
6 day of December 1990

Patty Henderson
Office of the Secretary of the Commission