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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
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Before Administrative Judge  
Peter B. Bloch

In the Matter of	)	
	)	
THE CURATORS OF	)	Docket Nos. 70-00270-MLA
THE UNIVERSITY OF MISSOURI	)	30-02278-MLA
	)	
(Byproduct License	)	Re: TRUMP-S Project
No. 24-00513-32;	)	
Special Nuclear Materials	)	ASLBP No. 90-613-02-MLA
License No. SNM-247)	)	

INTERVENORS' MOTION FOR RECONSIDERATION  
OF MEMORANDUM AND ORDER OF NOVEMBER 16, 1990,  
(Dissolution of Stay)

Come now Intervenors and move for reconsideration of the Memorandum and Order of November 16, 1990, dissolving the temporary stay.

The temporary stay was granted for a number of reasons. All are still valid. Where the safety of the community is at stake, a temporary stay should not be dissolved on what is in essence an ex parte filing, without waiting for a response. Even without waiting for a reply, however, the papers on file do not justify vacating the temporary stay.

1. It is clear that the Licensee is using almost three times the curies of plutonium authorized by its license. This use is a simple violation of the Atomic

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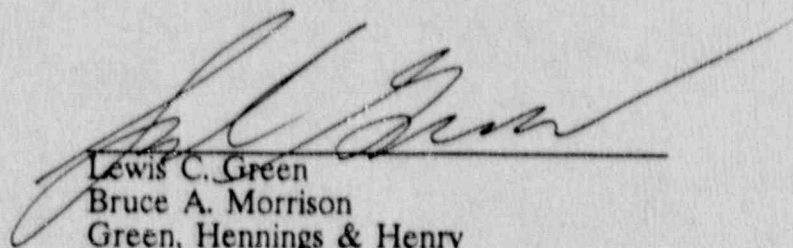
Energy Act. It should not be condoned by a Judge. It should be stayed.

2. It is clear that the Licensee is required to comply with 10 CFR § 30.32(i), and file with the Staff the required documents. The Licensee has not yet done so. The Presiding Officer should not be attempting to evaluate dose calculations here for the first time.

3. The HEPA filters clearly do not meet industry standards. The Licensee's experts claim that an accident is unlikely (a claim which will be disputed), but the NRC should, and normally does, require compliance with minimal industry safety standards.

4. The stay was originally issued not only because of these problems but also because of "additional grounds for likely success that I have not discussed at this time." Memorandum and Order of October 20, 1990, page 10. Those additional grounds remain. The Memorandum and Order offers no explanation for discarding those grounds.

The safety of the people should not be put at risk in this fashion. The undisputed facts show that both amendments were unlawfully issued. There can be no justification for permitting these unlawful activities to proceed. The Memorandum and Order should be set aside.



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CERTIFICATE OF SERVICE

True copies of the foregoing were mailed this 26<sup>th</sup> day of November 1990, by United States Express Mail, postage prepaid, to:

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