

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge
Peter B. Bloch

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USNRC

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In the Matter of)
THE CURATORS OF)
THE UNIVERSITY OF MISSOURI)
(Byproduct License)
No. 24-00513-32;)
Special Nuclear Materials)
License No. SNM-247))

Docket Nos. 70-00270
30-02278-MLA

RE: TRUMP-S Project

ASLEP No. 90-613-02-MLA

LICENSEE'S RESPONSE TO INTERVENORS'
REQUEST FOR RECONSIDERATION OF DENIAL OF CONCERN NO. 6

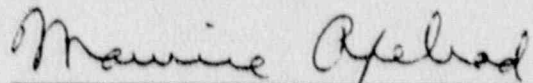
On page 35 of the Written Presentation of Arguments of Intervenor and Individual Intervenor (Oct. 15, 1990), Intervenor acknowledges that their proposed Concern No. 6 (relating to nuclear proliferation) had been denied by the Presiding Officer, but "respectfully submit that the exclusion of this concern was erroneous, and urge that it be reconsidered."

Such request for reconsideration is extremely late under NRC practice. See 10 CFR § 2.771(a), made applicable to Subpart L proceedings by 10 CFR § 2.1259(b). Moreover, apart from stating Intervenor's legal conclusion, their request fails to identify any respects in which the Presiding Officer's denial of Concern No. 7 was erroneous or to address in any way either the legal basis for the Presiding Officer's denial or the arguments that had been presented by Licensee at pages 23-26 of the Response of Licensee to Request for Hearing and Stay Pending

Hearing (May 25, 1990). Furthermore, Intervenors fail to address the Presiding Officer's denial of a similar area of concern proposed by Individual Intervenors (Memorandum and Order (Admitting Parties and Deferring Action on a Stay) at 5-7 (Aug. 28, 1990)) or the arguments presented at pages 16-19 of Response of Licensee to "Petitions for Leave to Intervene; Requests for Stay" (Aug. 20, 1990).

Licensee hereby incorporates by reference all of its previous arguments and urges that Intervenors' request for reconsideration be summarily denied.

Respectfully submitted,



Maurice Axelrad

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Date: October 30, 1990