



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 6, 1995

NOTICE OF SIGNIFICANT LICENSEE MEETING

Name of Licensee: Advanced Medical Systems, Inc.

Docket No.: 030-16055

License No.: 34-19089-01

Enforcement Action No.: N/A

Date and Time of Meeting: Wednesday, January 11, 1995
1:00 p.m. (CST)

Location of Meeting: U.S. Nuclear Regulatory Commission
Region III Office
Lisle, IL 60532-4351

Purpose of Meeting: Management meeting to discuss findings identified during recent special inspections and the licensee's proposed corrective actions including plans for dealing with contaminated sewage pipelines.

NRC Attendees:

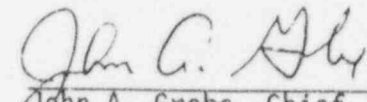
J. A. Grobe, Chief, Nuclear Materials Inspection Section 2
W. J. Slawinski, Radiation Specialist
M. F. Kurth, Radiation Specialist
Representatives of Office of General Counsel
Representatives of Nuclear Materials Safety & Safeguards

Licensee Attendees:

D. Cesar, Radiation Safety Officer
H. Billingsby, Counsel

NOTE: Participation by NPC personnel at the Region III Managment Meeting should be made known by 4:00 p.m. (CST), Monday, January 9, 1995, via a telephone call to Wayne Slawinski, Region III, (708) 829-9824.

Approved By:


John A. Grobe, Chief
Nuclear Materials Inspection
Section 2

See Attached Distribution

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Distribution

- J. Milhoan, Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research, EDO
- H. Thompson, Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, EDO
- J. Lieberman, Director, Office of Enforcement
- J. Goldberg, Deputy Assistant General Counsel for Enforcement, Office of the General Counsel
- R. Bernero, Director, Office of Nuclear Material Safety and Safeguards
- C. J. Paperiello, Director, Division of Industrial and Medical Nuclear Safety, NMSS
- J. Glenn, Chief, Medical, Academic and Commercial Use Safety Branch, NMSS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF PUBLIC AFFAIRS, REGION III
801 Warrenville Road, Lisle, IL 60532-4351
Telephone 708/829-9662 or -9663

NEWS ANNOUNCEMENT: RIII-95-03

January 6, 1995

CONTACT: Jan Strasma 708/829-9663
Angela Dauginas 708/829-9662

NOTE TO EDITORS: NRC TO DISCUSS INSPECTION AND CORRECTIVE ACTIONS
WITH ADVANCED MEDICAL SYSTEMS, INC OF CLEVELAND,
OHIO, AT JANUARY 11 MEETING IN LISLE, ILLINOIS

Attached is a copy of the Public Meeting Notice regarding a meeting between the staff of the Nuclear Regulatory Commission and representatives of Advanced Medical Systems, Inc. of Cleveland, Ohio. The meeting will be at 1:00 p.m. (CST) in the Technical Conference room, Third Floor, NRC Regional Office, 801 Warrenville Road, Lisle, Illinois.

The meeting, which is open to public observation, is being held to discuss the results of recent inspection findings and corrective actions, including the options for remediating sewage piping contamination.

The Nuclear Regulatory Commission has adopted a new policy on open meetings. As of November 1994, when the purpose of a meeting is to discuss substantive issues bearing on the NRC's regulatory and safety responsibilities, with a few specified exceptions, they are to be open meetings. NRC also established a toll-free telephone recording and bulletin board service to inform interested parties of upcoming public meetings throughout the United States. The toll-free telephone recording for meeting information is 1-800-952-9674. The telephone number for the electronic bulletin board is 1-800-303-9672.

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January 9, 1995

VIA FAX

J.A. Grobe, Chief
Nuclear Materials Inspection
Section 2
Nuclear Regulatory Commission
801 Warrensville Road
Lisle, Illinois 60532-4351

Re: Advanced Medical System (AMS)
Our File: 62931/49779

Dear Mr. Grobe:

I refer to our telephone conversation of earlier today regarding the proposed meeting in Chicago on January 11, 1995.

We were surprised to learn that, pursuant to an apparently new NRC policy¹ of which we have had no notice, the meeting proposed for January 11, 1995 is to be open to representatives of the Northeast Ohio Regional Sewer District (NEORSO) as well as to the press. We further understand that notice of this meeting was put out on the news wire services by your public information department.

While we certainly have no objection to the public having full access to the determinations of the NRC we understood that the purpose of this meeting was to afford us the opportunity to

¹ You have since telefaxed a copy of this policy, for which we thank you.

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exchange with the NRC, on an informal basis, the information outlined in our previous letter of January 4, 1995.

The resolution of the issues set forth in that letter do not require any input from NEORSD and, further, the existence of pending litigation between AMS and NEORSD on related matters will make it very difficult for AMS to have a meaningful exchange with the NRC if a representative of NEORSD is in attendance.

Further, we believe that there has been significant ex parte communication between NEORSD and the NRC relating to AMS, but we are unaware of the content or substance of these communications. Our reading of the regulations set forth at 10 C.F.R. §2.780 leads us to conclude that AMS is entitled to know the full substance of any such communications, by receiving copies of written materials and a summary of oral communications. Because we do not have this information we do not know the context or factual background with which NEORSD will be operating if they appears to observe this meeting. This, in conjunction with the pending adversarial proceedings against AMS by NEORSD, in our judgment, make it inappropriate for NEORSD to be in attendance at this meeting. In addition, the informal, information exchanging, purpose of this meeting will not be served by the attendance of representatives of the media. Accordingly, we respectfully confirm our request that the January 11, 1995 meeting be closed. We also request that we obtain the full particulars of all ex parte communications between NEORSD and NRC with respect to AMS.

We make this request for a closed meeting in conformity with 10 C.F.R. §9.106(a). We do note, in this regard, that the NRC Handbook 3.5, referring to "Public Attendance at Certain Meetings Involving the NRC Staff," provides, at p. 9, that "Inspection Exit Meetings" are typically closed. This, the handbook indicates, is so because:

Since the inspectors' findings are preliminary in that they are subject to NRC management review, open meetings could result in the inappropriate disclosure of preliminary, unverified information.

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This principal should apply to the January 11 meeting because the inspection reports that will be discussed are preliminary.

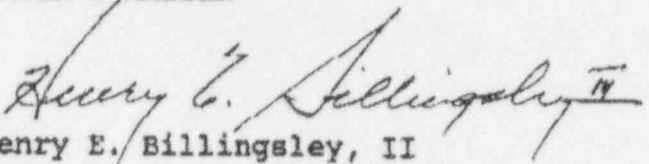
We confirm with thanks that you promptly will convey our request to the appropriate representatives of the NRC. If the determination is that the meeting should proceed as already outlined, we would ask that you advise us of the person who made the decision so conceived, that we can, if appropriate, take up the matter with him or her.

Please understand that we do not wish to increase the administrative burden of the NRC with respect to this matter, but we feel strongly that if our client is to incur the expense of traveling to Chicago for a face to face meeting, the meeting should proceed in an environment that will ensure that the meeting will be as mutually useful as it can be.

We thank you for your consideration and look forward to hearing from you.

Very truly yours,

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Henry E. Billingsley, II

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January 9, 1995
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cc: Dwight A. Miller, Esq.
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Cleveland, Ohio 44113

Mr. David Cesar
Advanced Medical Systems
121 North Eagle Street
Geneva, Ohio 44041

Ms. Carol D. Berger, C.H.P.
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