



Northeast Ohio Regional Sewer District

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December 23, 1994

Steven Crockett, Esq.
Office of the General Counsel
M/S OWFN 15B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Request for Pleadings

Dear Mr. Crockett:

Pursuant to your request of December 21, 1994, enclosed please find copies of the Complaint and Temporary Restraining Order briefs we filed with the Federal District Court.

During our telephone discussion, you insinuated that you had had some trouble obtaining these documents previously. As you had never in the past requested any documents of any kind from the Northeast Ohio Regional Sewer District, we can only assume that you have had problems in obtaining documents from other parties. The Sewer District has at all times responded promptly to requests for documents. (Further, the Sewer District has generally waived the search and copy charges that accompany FOIA requests to the NRC.) We would appreciate it if you would not paint all parties with the same broad brush.

You also indicated that your interest in the enclosed documents was in the prospect for possible intervention by the NRC in the instant case. We would remind you that the NRC has heretofore failed and refused to intervene where it could do the most good -- by terminating the use of the Advanced Medical Systems facilities at 1020 London Road and ordering its complete decontamination. The fact that the facility remains in use and continues to harbor hundreds of Curies of loose Cobalt-60 is mute testimony to the good faith of the NRC in protecting the interests of the public.

Notwithstanding the prior failure to control the nuclear materials used inside and onsite at the AMS facility, you imply that the NRC may seek to interfere with the Sewer District's efforts to contain the abundant Cobalt-60 contamination to the AMS property. We would respectfully advise you that although we may have conceded some deference to NRC expertise in the area of radionuclide storage and handling -- the area in which the NRC has failed to appropriately act -- the Sewer District will not concede any special expertise to the NRC in the area of sewer line

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The mission of the Northeast Ohio Regional Sewer District is to enhance public health and welfare through the efficient, cost-effective conveyance and treatment of wastewater. This is accomplished by an organization dedicated to professionalism, to the changing environmental needs of the community.

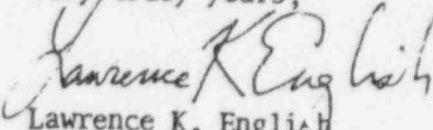
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integrity, soundness of building structures, adequacy of pretreatment procedures, or what constitutes an interference with the Sewer District's operations.

We will, of course, defer to the NRC in the event that the NRC seeks criminal sanctions against AMS, to avoid double jeopardy problems. Based on past experience, however, it does not appear that the NRC is willing to pursue such sanctions against AMS or its officers. We would certainly accommodate you in the event your policy of non-prosecution changes.

Please let us know if you have any questions about the foregoing.

Very truly yours,


Lawrence K. English
Assistant General Counsel

encl.

cc: Sara J. Fagnilli
Thomas E. Lenhart