



# Advanced Medical Systems, Inc.

1020 London Road  
Cleveland, OH 44110  
(216) 692-3270

June 14, 1995

Mr. James Caldwell  
Nuclear Materials Inspection, Section 2  
United States Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, Illinois 60523-4351

Re: Application to Amend USNRC License No. 34-19089-01 - Control No. 98677

Dear Mr. Caldwell:

Recently, Advanced Medical Systems, Inc. (AMS) was issued Amendment No. 32/33/34 to the referenced license number to permit treatment of contaminated water that currently exists in the basement of the London Road facility. On June 6, 1995, we forwarded an amendment request to permit the AMS Radiation Safety Officer to implement minor changes to Radiation Work Permit No. 95-10 and the work plan described in letters to the USNRC dated February 2, 1995, February 14, 1995, March 3, 1995, March 8, 1995, and March 10, 1995. Attachment 3 to that letter contained additional information to support this request.

Enclosed herein is a revision to Attachment 3. We hope that this will clarify the intent of this amendment request. However, if you require additional information, please call me at (216) 692-3270. Your prompt attention to this matter is appreciated.

Sincerely,

Robert Meschter, RSO

cc: D. Cesar  
D. A. Miller, Esq., Stavole & Miller  
H. Billingsley, Esq., Arter & Hadden

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### ATTACHMENT 3 (Revised)

The AMS Radiation Safety Officer, after approval by the AMS Isotope Committee, may amend the provisions of Radiation Work Permit No. 95-10 and the work plan described in letters to the USNRC dated February 2, 1995, February 14, 1995, March 3, 1995, March 8, 1995, and March 10, 1995, to accommodate static or dynamic conditions encountered during the water treatment process

It is unfortunate that the USNRC elected to issue a license amendment in order to control the water treatment and sewer remediation process. While this may have, in principle, seemed like an appropriate mechanism for ensuring regulatory oversight, it has seriously compromised the success of the operation.

From its onset, AMS recognized that the specific procedures that would be required for this project could not be predicted with accuracy. A number of the early assumptions used to generate the work plan (i.e., that the cobalt in the basement water was "insoluble", that permits and authorizations would be issued in a timely fashion, that the treatment process would have a through-put of over 5,000 gallons per day, etc.) have since been disproven. From the first day of the process, constant and continuous "fine-tuning" of the work plan has been necessary. However, we have had to perform these within the excessively tight constraints imposed upon us by Item 19 of the AMS license.<sup>1</sup>

The USNRC's response to our submittals and applications to amend the license to permit even the simplest changes has been less than timely.<sup>2,3</sup> For example:

Item	Date Submitted to USNRC	Date of USNRC Response
Submission of work plan for treatment of water at the London Road facility and response to USNRC comments and questions on the work plan	February 2, 1995	Comments and questions on the work plan received on February 10, 1995. Amendment 32 issued on March 17, 1995.

<sup>1</sup> AMS is concerned about the USNRC's practice of enforcing the "letter" of the amendment, rather than its "intent", such that regard for good health physics practices is overlooked. For example, the USNRC's reticence in permitting AMS to contract a second laboratory to provide confirmatory analyses when the first laboratory was taken out of service due to local flooding, resulted in generation of over 10,5000 additional gallons of contaminated water, generation of additional solid waste that must be stored, and resulted in project personnel incurring an additional 50 person-millirem.

<sup>2</sup> Please recall that when AMS expressed concern about the USNRC's decision to issue a license amendment to control the water treatment and sewer remediation work, the result of which would "tie the hands" of the on-site project manager and the RSO, the USNRC responded, in our meeting of February 6, 1995, that "field amendments" would be issued so that the project would not be hampered by approval delays.

<sup>3</sup> The USNRC has not been the only regulatory agency that has delayed this project. For example, the water treatment process was halted on May 5, 1995, pending receipt of a City of Cleveland permit to excavate the soils on the property. This permit application was submitted to the City on March 15, 1995. The City relinquished jurisdiction to the USEPA on May 4, 1995. The USEPA finally issued the permit on May 17, 1995.

Item	Date Submitted to USNRC	Date of USNRC Response
Application to amend license to permit evaporation of water in storage tanks and re-connection of foundation drainage system	March 20, 1995	No response as of June 14, 1995.
Application to amend license to permit the use of Lockheed Analytical Services for confirmatory Analysis.	May 3, 1995	Amendment 33 issued on May 18, 1995
Application to amend license to extend completion date for Item 19.	May 15, 1995	No response as of June 14, 1995.

As a result of regulatory delays and the inability of AMS to obtain timely approval of minor changes to Item 19 of License No. 34-19089-01, AMS has been forced to implement less than optimum procedures in order to remain within the strict confines of Amendments 32 and 33. This has delayed the water treatment process significantly.<sup>4</sup> To permit the remainder of this operation to proceed as quickly and as efficiently as possible, AMS requests that Item 19.G be added to License Number 34-19089-01 to permit the RSO to implement minor changes.<sup>5</sup>

G. Minor changes to the provisions of Radiation Work Permit No. 95-10 and the work plan described in letters to the USNRC dated February 2, 1995, February 14, 1995, March 3, 1995, March 8, 1995, and March 10, 1995, may be made to accommodate static or dynamic conditions encountered during the water treatment process. Changes shall be made by the RSO, after approval by the AMS Isotope Committee. A record of all changes shall be maintained in the project log. Changes to the following shall require USNRC approval prior to implementation:

- I. Water shall be treated by the methodology of multi-stage filtration.
- ii. The water in the collapsible storage tanks shall be evaporated by the methodology described in the letter dated March 20, 1995.

<sup>4</sup> Please recall that on March 2, 1995, there was approximately 25,000 gallons of water in the basement of the building to be treated. As of June 14, 1995, over 50,000 gallons of basement water have been treated and pumped to the collapsible storage containers. However, due to delays and a water influent rate of approximately 1,000 gallons per day, over 45,000 gallons of basement water remain to be treated.

<sup>5</sup> Examples of the types of minor changes that would be made by the RSO include, but are not limited to, the following: The requirement that protective clothing be made of tyvek may be changed to permit the use of cotton or rubber protective clothing; the requirement that contaminated soil from the excavation effort be stored in the basement may be changed to another storage location within the building; the requirement that personnel dosimetry be film-based devices may be changed to permit TLD-based devices to be used; the requirement that contaminated protective clothing be placed in drums for storage may be changed to permit storage in LSA boxes or other suitable containers.

- iii. Spill procedures implemented during the water treatment process shall be as described in the letters dated March 1, 3, 8 and 10, 1995.
- iv. Water samples submitted for confirmatory analysis shall be analyzed by the methodology of gamma spectroscopy and solubility testing pursuant to Information Notice 94-07, "Solubility Criteria for Liquid Effluent Releases to Sanitary Sewerage Under the Revised 10 CFR Part 20".