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OFFICE OF SECRETARY
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January 27, 1995

VIA FEDERAL EXPRESS

✓ Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Executive Director for Operations
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20854

Re: Answer of Advanced Medical Systems, Inc. to
Request of the Earth Day Coalition
for a public hearing pursuant to
10 C.F.R. 2.1205 on Advanced Medical Systems
Inc.'s License No. 34-19089-01
Our File: 62931/49779

Dear Executive Directors:

Advanced Medical Systems, Inc. ("AMS"), the applicant for
renewal of NRC License No. 34-19089-01, herewith respectfully
submits its answer to the request of the Earth Day Coalition
("Coalition") for a public hearing, pursuant to 10 C.F.R. 2.1205.

The Coalition's request should be denied for the reasons
previously set forth in AMS's January 12, 1995 answer to the
Northeast Ohio Regional Sewer District's request for hearing.
Generally, the Coalition's request should be denied because:

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1. The areas of concern set forth in the Coalition's request are not germane to the subject matter of the license renewal application;

2. The Coalition has absolutely no significant property, financial or other interest in the license renewal application;

3. The Coalition offers nothing more than rank speculation of any possible effect on the Coalition arising from any order made by NRC with respect to the renewal application;

4. The Northeast Ohio Regional Sewer District ("NEORS") is currently proceeding, by way of petition (filed March 3, 1993) before the NRC, and by way of a lawsuit commenced in federal district court in Cleveland on December 13, 1994 for redress of alleged grievances concerning the operations of AMS. Any issues regarding AMS that might merit action on the part of the NRC or the federal district court in Cleveland can be fully addressed in the already pending petition to the NRC, and lawsuit commenced by NEORS against AMS.

We now address each point that we have raised in support of the denial of the Coalition's request.

(1) The Coalition's request for hearing on the application of AMS for license renewal merely piggybacks unsupported allegations that NEORS has made in its lawsuit against AMS. These allegations relate to past discharges of Cobalt 60 from the AMS facility located at 1020 London Road in Cleveland, Ohio into the sewer system, with alleged resulting contamination of sewage, sludge ash processed at the Southerly Wastewater Treatment Plant. In fact, teletherapy source manufacturing activities, and resulting discharges of wastewater containing residual Cobalt 60 into the sewer, had ceased by 19 J. The current license renewal application does not seek authority to resume the manufacture of teletherapy sources using loose Cobalt 60. Consequently, none of the concerns

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raised in the Coalition's request specifically relate to the subject matter of the license renewal application.

(2) AMS's license renewal application raises no issues as to public or environmental welfare. There is no risk or danger to the health or safety of the general public. There is no danger to the environment. The NRC has recently conducted thorough sampling and radiological surveys of the two wastewater treatment plants operated by NEORSD that are in the discharge grid from AMS, the Southerly and Easterly Wastewater Treatment Plants. The report of this inspection (No. 999-90003-94060 (DRSS)) concluded as follows:

As a result of the inspection, we [NRC] have no health and safety concerns. Surveys conducted during the inspection did not identify any areas of elevated exposure rates within the SWTP and EWTP treatment process areas. No Cobalt 60 concentrations were identified above the minimum detectable areas in the 81 samples collected from the SWTP and EWTP treatment process areas.

There is no evidence that any operations ongoing at the London Road facility pose any legitimate concern to the Coalition or the community neighboring the AMS facility.

(3) The license renewal application submitted by AMS to NRC does not seek approval for resumption of the manufacture of teletherapy sources. Because no such activity is contemplated, nor authority to engage in such activity sought by way of license renewal application, there is no legitimate concern on the part of the Coalition that NRC would issue any order with respect to this license renewal application that would relate to any prior alleged contamination. AMS is bound to adhere to all applicable regulations of the NRC because the NRC is the pre-eminent regulatory authority with regard to the nuclear activities of AMS. NRC can and will fulfill this regulatory function.

(4) The issues that form the centerpiece of the Coalition's request to intervene into the license renewal application process already have been made the subject of several petitions to the NRC,

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and a lawsuit that is currently pending in federal district court in Cleveland, Ohio. There is neither a need for nor an advantage in allowing the Coalition to interfere in the application renewal process.

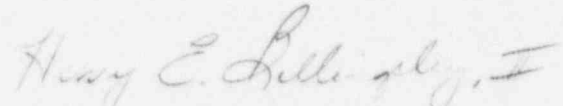
The Coalition has not met its burden of establishing a basis for its request. Accordingly, the request should be denied.

This answer of applicant, Advanced Medical Systems, Inc., is filed in accordance with 10 C.F.R. 2.1205(c) and 2.710 and is timely.

A true and accurate copy of this answer to the Earth Day Coalition's request for hearing has been duly served by U.S. Mail this 27th day of January, 1995 upon the Earth Day Coalition, pursuant to 10 C.F.R. 2.1205(e)(1).

Respectfully submitted,

ARTER & HADDEN


Henry E. Billingsley, II

HEB/b
Enclosure

cc: Chris Tepal
Earth Day Coalition
3606 Bridge Avenue
Cleveland, Ohio 44113