

DOCKETED

STAVOLE & MILLER USNRC

ATTORNEYS AND COUNSELLORS AT LAW

1604 ILLUMINATING BUILDING

55 PUBLIC SQUARE

CLEVELAND, OHIO 44113

C. ANTHONY STAVOLE
DWIGHT A. MILLER

TIMOTHY B. MILLER
OF COUNSEL

95 JAN 31 10:53

OFFICE OF THE SECRETARY
DOCK

AREA CODE 216
TELEPHONE 771-0011
FAX NO. 771-8048

IN REPLY REFER TO
FILE NO. _____

January 27, 1995

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 20852

RE: Answer of Advanced Medical Systems, Inc. to Request of the
City of Cleveland for a public hearing pursuant to 10 C.F.R.
2.1205 on Advanced Medical Systems, Inc.'s License No. 34-
19089-01

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 City of Cleveland ("City")
for a public hearing, pursuant to 10 C.F.R. 2.1205.

The City'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 ("NEORS") request for hearing.
Generally, the City's request should be denied because:

1. The areas of concern set forth in the City's request are
not germane to the subject matter of the license renewal
application;
2. The City has absolutely no significant property,
financial or other interest in the license renewal application;
3. The City offers nothing more than rank speculation of any
possible effect on the City arising from any order made by the NRC
with respect to the renewal application; and

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

1. The City's request for hearing appears to be part of a concerted effort on the part of various groups, including the NEORSD and the Earth Day Coalition, intervening in the license application of AMS. The City claims that its interest in the license renewal process is "to ensure the health and safety of the citizens of Cleveland". However, the facility at 1020 London Road has been at the same location, engaged in the same type of activities since 1958. And, on May 24, 1993, the NRC did an exhaustive inspection of the facility and the surrounding neighborhood. A report was of this inspection was issued on July 29, 1993 as Report No. 99990003/93010(DRSS). The finding of the report was "The NRC inspectors did not identify any radiation levels or any radioactive contamination off the AMS property that would present a radiological health safety concern to any members of the public". As has been pointed out in previous responses to other intervenors, the current license renewal application does not seek authority to resume manufacturing of teletherapy units using cobalt 60. The report prepared by Integrated Environmental Management, Inc. has advised that members of the general population that are nearest to the AMS facility can incur a radiation dose of 38 millirem within one (1) year after the most catastrophic probable event at AMS. Moreover, this same report indicates that the radiation dose to firefighters and rescue workers would be 422 millirem. Since both figures are lower than the maximum permissible dose to the members of the general public promulgated by the U.S. NRC at 10 C.F.R. Part 20.1301, the City has clearly not articulated any interest concerning health and safety which has not already been adequately addressed by the license renewal application.

The City has also apparently not discussed the current status of the emergency plan with its own fire department. There have been at least two meetings with the City Fire Marshal at the facility during which Captain Root reviewed the entire layout of the plant and requested and was given a copy of the building plan; he also requested certain additional ADT sensors which are in the process of being installed. Fire Marshal Root also indicated that, based on current fire department procedures, the fire department would not use water in those areas containing cobalt 60 contamination water in suppressing fire.

2. The City claims that the location of the plant is affecting property values. Whether or not this is a proper consideration for a license renewal, such claims are without support in fact. In any event, a mere statement of reduced property does not give the City a basis for intervening in AMS's license renewal process.

3. The City's claim that there is a need for dikes to contain runoff of contaminated water in the event of a fire is

speculative since the City's own fire marshal has indicated that water would not be used in contaminated areas of the building. Similarly, the City is clearly wrong in its claim that the financial assurance is presently \$20,000.00 as is shown by the decommissioning funding plan presently before the NRC and involves sums of money almost 100 times larger than the \$20,000.00 mentioned in the City's request to intervene.

Finally, the City's claim that there is a danger to its citizens or off-site contamination, shows a complete lack of understanding on the part of the City of the nature of the material housed inside the AMS facility and of reports such as 99990003/93010(DRSS) which show that there was absolutely no contamination in the neighboring areas.

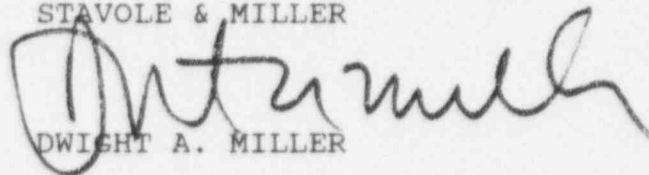
The City has not met its burden of establishing a basis for its request. Accordingly, the request should be denied.

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 City of Cleveland's request for hearing has been duly served by U.S. Mail, this 27th day of January, 1995 upon the City of Cleveland, pursuant to 10 C.F.R. 2.1205(e)(1).

Respectfully submitted,

STAVOLE & MILLER



DWIGHT A. MILLER

DAM/wb

cc: Martha R. McCorkle, Esq.

EXPRESS MAIL AND

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Z087 360 082

Z087 360 106