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April 22, 1997

Richard N. Connelly
Water Quality & Industrial Surveillance
Northeast Ohio Regional Sewer District
4747 E. 49th Street
Cuyahoga Heights, OH 44125-1011

Dear Mr. Connelly:

I am writing in response to your letter of February 13, 1997, in which you discuss the emergency response status of Northeast Ohio Regional Sewer District (NEORSD) with respect to radiological emergencies at Advanced Medical Systems, Inc. (AMS).

By letter dated December 13, 1995, we responded to a similar inquiry by Mr. Lawrence K. English, Assistant General Counsel for NEORSD. In that letter we stated:

NRC does not determine the "first responder" or "secondary responder" status of a government agency. However, since NRC is responsible for ensuring that a licensee's emergency plan complies with the requirements of 10 CFR 30.32(l), NRC does ensure that the agencies listed as offsite response organizations are adequate to assure compliance with the regulations.

NRC has reviewed the AMS emergency plan and considers the agencies identified to receive an immediate notification, before NRC is notified, to be appropriate.

This information was discussed with you by telephone on February 19, 1997. For your reference, a copy of the entire December 13, 1995 letter is enclosed.

In your letter, you also indicated that NEORSD was not invited to AMS' March 1997 training sessions for first responders. The AMS emergency plan lists NEORSD as a secondary responder for emergencies at AMS. However, regardless of the title of first or secondary responder, per 10 CFR 30.32(i)(3)(x), AMS is required to offer training to all responders listed in its emergency plan. The training should be commensurate with each responder's expected role in the event of an emergency. This information has been conveyed to AMS by letter dated April 22, 1997 (copy enclosed). NRC will verify AMS' compliance with this requirement.

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R. Connelly

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If you have any questions regarding this matter, please contact Mr. John Madera of my staff at (630) 829-9834.

Sincerely,

Original Signed by Roy J. Caniano

Roy J. Caniano, Acting Director
Division of Nuclear Materials Safety

Docket No.: 030-16055
License No.: 34-19089-01

Enclosure: As stated

See Attached Distribution

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Bernard Bordenick
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December 13, 1995

Northeast Ohio Regional Sewer District
ATTN: Lawrence K. English
Assistant General Counsel
3826 Euclid Avenue
Cleveland, Ohio 44115-2504

Dear Mr. English:

I am writing in response to your letter of October 9, 1995, in which you discuss the emergency response status of Northeast Ohio Regional Sewer District (NEORSO) with respect to emergencies at Advanced Medical Systems, Inc. (AMS).

Your letter states that my letter to you of June 8, 1995 "confirmed" that NEORSO is a "first responder" to emergencies at AMS. Please be aware that my June 8, 1995 letter did not determine that NEORSO is a first responder to emergencies at AMS, but simply acknowledged the NEORSO representations in its April 6, 1995 letter to us that it was a first responder. The purpose of my letter was to advise you that AMS had agreed to send its emergency plan to NEORSO, and forward NEORSO's comments on the emergency plan to NRC. We regret that our letter apparently did not effectively communicate this message to you.

The term "first responder" is neither defined nor required by 10 CFR 30. However, 10 CFR 30.32(i)(3)(viii) does require, in part, that a licensee's emergency plan contain a commitment to and a brief description of the means to promptly notify offsite response organizations when an emergency is declared. The plan must also contain a commitment to notify the NRC immediately after the appropriate offsite response organizations have been notified.

In addition, 10 CFR 30.32(i)(4) requires that a licensee allow offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to NRC. The licensee must provide any comments received within the 60 days to NRC with the emergency plan.

As a practical matter, the number of offsite response organizations receiving an immediate notification must be kept low, and is typically limited to those organizations with an immediate response function to perform (e.g., extinguish fires, assess releases, shelter/evacuate the public, etc.). It is understood that additional organizations may be notified and requested to assist after initial assessments and protective actions have been started.

NRC does not determine the "first responder" or "secondary responder" status of a government agency. However, since NRC is responsible for ensuring that a

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licensee's emergency plan complies with the requirements of 10 CFR 30.32(i), NRC does ensure that the agencies listed as offsite response organizations are adequate to assure compliance with the regulations.

NRC has reviewed the AMS emergency plan and considers the agencies identified to receive an immediate notification, before NRC is notified, to be appropriate.

Regarding your concern about NEORSD's ability to review and respond to AMS' emergency plan and to have its comments formally considered by NRC, please be aware that AMS has provided NRC a copy of the NEORSD comments on the emergency plan (June 23, 1995 letter from NEORSD to AMS) and the AMS response to those comments (September 22, 1995 letter from AMS to NEORSD). NRC recently received the NEORSD comments on AMS' revised emergency plan (November 30, 1995 letter from NEORSD to AMS). NRC will consider these documents during its review of the revised emergency plan.

Should you have any further questions regarding AMS, please do not hesitate to contact me.

Sincerely,

Original Signed By
Cynthia D. Pederson for

James L. Caldwell, Deputy Director
Division of Nuclear Materials Safety

Docket No. 030-16055
License No. 34-19089-01

Attachments: 6/8/95 ltr-NRC to NEORSD
4/6/95 ltr-NEORSD to NRC