



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 13, 1997

Docket No. 030-16055  
(10 CFR § 2.206)

William B. Schatz, Esq.  
General Counsel  
Northeast Ohio Regional Sewer District  
3826 Euclid Avenue  
Cleveland, OH 44115-2504

Dear Mr. Schatz:

I am responding to your Petition, dated March 3, 1993, on behalf of the Northeast Ohio Regional Sewer District (District). The Petition requested that the U.S. Nuclear Regulatory Commission: (1) modify Advanced Medical Systems, Inc. (AMS) License No. 34-19089-01 to require that AMS assume all costs resulting from the offsite release of cobalt-60 from its facility on London Road in Cleveland, Ohio, that was deposited at the District's Southerly Wastewater Treatment Plant, and (2) order AMS to decontaminate the sewer line connecting the London Road facility with the public sewer at London Road.

By letters dated September 13, 1994, October 13, 1994, and April 29, 1996, you filed supplements to the Petition on behalf of the District. The September 1994 supplement requested that NRC commence enforcement actions against AMS for violations of 10 CFR § 20.401(c)(3) and 10 CFR § 20.303(a), based on assertions that the disposal records maintained by AMS are grossly inaccurate, in violation of 10 CFR § 20.401(c)(3), and that AMS discharged material to the sewer that was not readily soluble or dispersible in water, in violation of 10 CFR § 20.303(a). In addition, the September 1994 supplement requested that the March 3, 1993, Petition be granted immediately insofar as it requested that AMS be held responsible for all costs arising from contamination of the District's treatment plant and that AMS be required to decontaminate the sewer downstream from the London Road facility. In its October 1994 supplement, the District requested that NRC commence an enforcement action against AMS for violation of 10 CFR § 20.2003, based on the assertion that AMS had recently discharged cobalt-60 to the sewer that was not soluble or readily dispersible biological material, in violation of that provision. In its April 1996 supplement, the District requested NRC action on a license requiring AMS to safely and reasonably decontaminate the London Road interceptor (the sewer), or, if the NRC position is that such action has already been ordered, NRC action requiring AMS to actually complete the decontamination.

As stated in the enclosed Director's Decision under 10 CFR § 2.206 (DD-97-13), NRC has already partially granted the Petition insofar as NRC has taken action by amending AMS' license to require remediation of the sewer line connecting the London Road facility with the public sewer at London Road. For reasons set forth in the enclosed Director's Decision, your remaining requests for NRC action have been denied.

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C PDR

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# EXECUTIVE CORRESPONDENCE

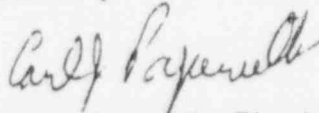
W. B. Schatz, Esq.

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A copy of the Decision will be filed with the Secretary of the Commission for its review in accordance with 10 CFR § 2.206 of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

A copy of the Notice which is being filed with the Office of the Federal Register is enclosed.

Sincerely,



Carl J. Paperiello, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Director's Decision DD-97-13
2. Copy of Federal Register Notice

cc: Dr. S. Stein, Ph.D. (AMS)

W. B. Schatz, Esq.

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Sincerely,

(Original signed by)

Carl J. Paperiello, Director  
Office of Nuclear Material Safety  
and Safeguards

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cc: Dr. S. Stein, Ph.D. (AMS)

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DOCUMENT NAME: G:SCHATZ.CV See previous concurrence

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