

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 30-016055

ADVANCED MEDICAL SYSTEMS, INC.

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR § 2.206

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, U. S. Nuclear Regulatory Commission, has acted on a Petition for action under 10 CFR 2.206 dated March 3, 1993, filed by William B. Schatz, Esq., on behalf of the Northeast Ohio Regional Sewer District (Petitioner), as supplemented by letters dated September 13, 1994, October 13, 1994 and April 29, 1996, with regards to NRC Licensee, Advanced Medical Systems, Inc. (AMS)

The Petitioner requested, pursuant to 10 CFR 2.206, that the NRC: (1) modify AMS' License No. 34-19089-01 to require that AMS assume all costs resulting from the off-site release of cobalt-60 that has been deposited at the Petitioner's Southerly Wastewater Treatment Center; and (2) order AMS to decontaminate the sewer connecting its London Road facility with the public sewer at London Road, and continue down stream with such decontamination to the extent that sampling indicates is necessary.

By letters dated September 13, 1994, October 13, 1994, and April 29, 1996, the Petitioner filed supplements to the Petition. 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

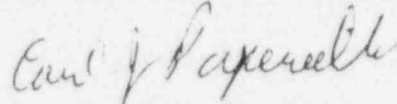
20.303(a). In addition, the September 1994 supplement requested that the March 3, 1993, Petition be granted immediately insofar as it requested that AMS be held responsible for all costs arising from contamination of the Petitioner's treatment plant and that AMS be required to decontaminate the sewer downstream from the London Road facility. In its October 1994 supplement, the Petitioner requested that the 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 Petitioner requested NRC action on a license requiring AMS to safely and reasonably decontaminate the London Road interceptor (the sewer), or, if the NRC's position is that such action has already been ordered, NRC action requiring AMS to actually complete the decontamination.

For the reasons stated in the "Director's Decision Under 10 CFR 2.206" (DD-97-13), the Director of the Office of Nuclear Material Safety and Safeguards has denied the first request, that NRC require AMS to assume all costs resulting from the offsite contamination from released licensed material within NRC limits. With regard to the request to order AMS to decontaminate the sewer line, as set forth in 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 the reasons stated in DD-97-13, the Director has denied the remaining requests in the Petition and its supplements. The complete text of DD-97-13 follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room, Perry Public Library, 3735 Main Street, Perry, Ohio 44081.

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

Dated at Rockville, Maryland, this 13 day of June, 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



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

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Dated at Rockville, Maryland, this 13 day of June, 1997.

FOR THE NUCLEAR REGULATORY COMMISSION

(orig. signed by)

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

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