

VILLAGE OF NEWBURGH HEIGHTS KATHLEEN M. EDWARDS, Mayor

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April 11, 1995

APR 12 1995

VIA REGULAR U.S. MAIL

Secretary of the Commission
ATTN: Chief
Docketing and Services Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

VIA DELIVERY

Secretary of the Commission
ATTN: Chief
Docketing and Services Branch
U.S. Nuclear Regulatory
Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Re: 10 C.F.R. 2.1211 Request To Participate In Hearing
On Advanced Medical Systems, Inc. License Renewal
NRC Docket No. 30-16055-ML-Ren

Dear Secretary of the Commission:

On March 13, 1995, Administrative Judge Marshall Miller issued a Notice of Hearing regarding the proposed renewal of Nuclear Regulatory Commission (NRC) license number 34-19089-01 issued to the Advanced Medical System, Inc (AMS). Pursuant to this license, AMS operates the facility at 1020 London Road, Cleveland, Ohio. Notice of this Hearing was published in the Federal Register on March 17, 1995. The Village of Newburgh Heights (Village) hereby requests, pursuant to 10 C.F.R. 2.1211(b), that the Village will be allowed to participate in this Hearing as an interested municipality. The Village will be represented in this Hearing by Mayor Kathleen M. Edwards and Village Solicitor John K. Moroney.

The boundary of the Village is very near the Southerly Wastewater Treatment Plant (Southerly), which has previously been contaminated by Cobalt-60 that was discharged by the AMS facility. The sludge force main that connects the Easterly Wastewater Treatment Plant to Southerly, and through which Cobalt-60 from AMS is pumped if discharged to the sewer, is partially located within the Village. In addition, residents of the Village, as well as the Village itself, are ratepayers of the Northeast Ohio Regional Sewer District (Sewer District) and are subject to rate increases in the event of uncompensated damage to Sewer property. The Village is therefore very concerned that the license issued by the NRC to AMS, if renewed, contain appropriate and adequate terms and conditions to protect the health, safety, and financial welfare of the residents of the Village, as well as the residents of the Greater Cleveland Area.

These concerns were significantly heightened by the events of April 10, 1995. On that date, the Sewer District's compression plug that

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had prevented AMS from discharging to the sewer suddenly failed. Water that had been accumulating for months, building ever increasing pressure, was then discharged to the sewer in violation of the Sewer District's order to AMS and in violation of the recent NRC license amendment to AMS requiring treatment of this water. Had the NRC and AMS implemented the suggestions of the Sewer District to pump and store or pump and treat or evaporate this water, suggestion that were made six months ago, this potentially disastrous event would not have occurred as three feet of water would not have been allowed to accumulate in the AMS basement.

This example is but the most recent example of what the Village believes to be serious deficiencies in NRC regulation of AMS and the AMS facility. The specific areas of Village concern are set forth below.

This request is timely as it is made within 30 days of the date on which the notice of the hearing was published. The following information regarding the interests of the Village is provided by the Village in accordance with 10 C.F.R.2.1211(b):

Areas Of Concern Of The Requestor

As stated above, the Village is concerned that the license provisions for operation of the AMS facility are adequate to fully protect the health, safety, and welfare of the residents of the Village. This concern also includes the economic interest of the residents, as well as the economic interests of the Village.

More specifically, the Village is concerned that the failure of AMS to control Cobalt-60 contamination within its facility, the failure of AMS to comply with regulations regarding the disposal of Cobalt-60, the failure of AMS to prepare proper emergency plans and conduct appropriate emergency exercises, the failure of AMS to post adequate financial insurance for decommissioning, and the failure of AMS to maintain financial protection to cover public liability continue to endanger the health, safety, and economic welfare of Village residents.

As provided in 10 C.F.R. 2.1211(b), the Village intends to make an oral and/or written presentation regarding the basis of these concerns and the requested actions at such time as the Presiding Officer may prescribe.

Please contact John K. Moroney, Village Solicitor, at 216-333-0630 with any questions or comments regarding this Request.

A true and accurate copy of this Request has been duly served by U.S. Mail this 11th day of April, 1995, upon:

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
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Presiding Officer
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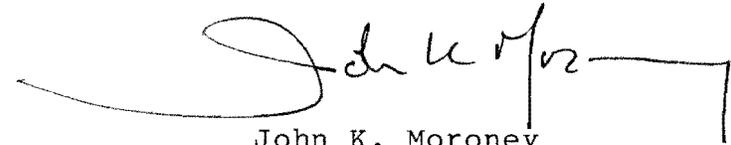
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Respectfully submitted,


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Mayor/Safety Director


John K. Moroney
Village Solicitor