

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

November 2, 1994

Dear Mr. Schatz:

I am writing to acknowledge receipt of your letter of October 13, 1994, on behalf of the Northeast Ohio Regional Sewer District (NEORS), to James Taylor, Executive Director for Operations of the U.S. Nuclear Regulatory Commission. The NRC considers your letter a supplement to your Petition dated March 3, 1993. The NEORS requests, in addition to the enforcement action requested on September 13, 1994, that the NRC commence an enforcement action against Advanced Medical Systems, Inc. (AMS) for violation of 10 CFR 20.2003.

The NEORS asserts as bases for the request that: 1) On January 1, 1994, 10 CFR 20.303 was superseded by 10 CFR 20.2003, which specifies that material may be discharged to the sanitary sewer only if it is soluble or readily dispersible biological material; 2) the cobalt-60 possessed by AMS is not soluble, and therefore cannot be legally discharged under 10 CFR 20.2003; 3) on July 5, 1994, NEORS obtained a wastewater sample from the outfall from AMS where it discharges into the District's London Road sewer, containing 2.91×10^{-8} microcurie per milliliter of cobalt-60; 4) a sample obtained by the NRC at the same location on August 17, 1994, produced very similar results; and 5) five additional samples were obtained by the District between August 17 and October 4, 1994, and the cobalt-60 concentration ranged up to 86.6 picocuries per liter.

The NRC staff is reviewing the supplemental information in your October 13, 1994 letter and is continuing to review the information and issues related to your Petition dated March 3, 1993, submitted in accordance with 10 CFR 2.206. I will issue a final decision with regard to this supplemental information in conjunction with the Petition dated March 3, 1993, within a reasonable time.

Sincerely,

Robert M. Bernero, Director
 Office of Nuclear Materials Safety
 and Safeguards

cc: Advanced Medical
 Systems, Inc.

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DATE	10/28/94	10/31/94	11/2/94			

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