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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '95 FEB -7 M11:26

BEFORE THE PRESIDING OFFICER

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	Docket No. 30-16055-ML-REN
ADVANCED MEDICAL SYSTEMS,	)	
INC.	)	ASLBP No. 95-707-02-ML-REN
	)	
(Cleveland, Ohio)	)	(Material License
	)	No. 34-19089-01)

NRC STAFF NOTICE OF PARTICIPATION  
AND RESPONSE TO REQUESTS FOR HEARING

INTRODUCTION

The staff of the Nuclear Regulatory Commission (Staff) hereby notifies the Presiding Officer in the above-captioned proceeding that it desires to participate as a party to the adjudication pursuant to 10 C.F.R. § 2.1213 of the Commission's regulations. The Staff also hereby responds, pursuant to 10 C.F.R. § 2.1205(f), to the requests for hearing filed by the Northeast Ohio Regional Sewer District (NEORS), the City of Cleveland, Ohio (City) and the Earth Day Coalition (EDC) with respect to the license renewal application for Material License No. 34-19089-01 filed by Advanced Medical Systems (AMS or Licensee). For the reasons set forth below, the NEORS's and the City's hearing requests satisfy the NRC's requirements and they should be admitted as parties in this proceeding. However, for the reason set forth below, the EDC's hearing request should be denied.

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## BACKGROUND

On November 29, 1994, the Licensee filed a timely "Application for Renewal" (Renewal Application) of its Material License No. 34-19089-01. This license authorizes possession of radioactive materials, including Cobalt-60, at the Licensee's facility located at 1020 London Road, Cleveland, Ohio. On December 29, 1994, the NEORSD filed a request for hearing on the Renewal Application.<sup>1</sup> On January 13, 1995, the City filed its hearing request, and the EDC's hearing request was dated December 28, 1994. On January 12, 1995, the Licensee filed an Answer to the NEORSD hearing request.

On December 22, 1994, the Staff sent a letter to the Licensee requesting that the Licensee provide additional information and to address nine specific subject areas. Letter to Advanced Medical Systems, Inc., Attn: David Cesar, Treasurer, from John A. Grobe, Nuclear Materials Inspection, Section 2, U.S. Nuclear Regulatory Commission

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<sup>1</sup> The NEORSD has also filed three petitions for enforcement action pursuant to 10 C.F.R. § 2.206. *Advanced Medical Systems, Inc. (Byproduct License No. 34-19089-01); Receipt of Petition for Director's Decision Under 10 CFR 2.206*, 59 Fed. Reg. 47959 (September 19, 1994); *Receipt of Petition for Director's Decision Under 10 CFR 2.206; Advanced Medical Systems, Inc.* 58 Fed. Reg. 64341 (December 6, 1993); *Advanced Medical System, Inc., Receipt of Petition for Director's Decision*, 58 Fed. Reg. 19282 (April 13, 1993). NEORSD's petition, dated August 2, 1993 and noticed on December 6, 1993, has been denied by the Staff. *Advanced Medical Systems, Inc.*, DD-94-6, 39 NRC 373 (1994). This decision became final agency action on July 11, 1994. Letter to William B. Schatz, Esq., General Counsel, Northeast Ohio Regional Sewer District, from John C. Hoyle, Acting Secretary of the Commission, dated July 15, 1994. Although some of the issues raised in these petitions are similar to the areas of concern expressed by NEORSD in its hearing request, the filing of these petitions does not necessarily preclude the NEORSD from requesting a hearing with respect to the Licensee's Renewal Application. See *Georgia Power Co.*, (Vogle Elec. Generating Plant, Units 1 and 2), LBP-93-5, 37 NRC 96, 98 n.2 *aff'd* CLI-93-26, 38 NRC 25 (1993) ("That a petition concerning Georgia Power may be pending does not preclude intervention in this license amendment case.").

(December 22 Letter). A copy of this letter is attached hereto as Exhibit 1. On January 31, 1995, the Licensee responded to the December 22 Letter. The Staff is currently reviewing the Licensee's submission.

### DISCUSSION

#### A. General Principles

Any person whose interest may be affected by a proceeding for the grant, transfer, renewal, or licensee-initiated amendment of a license subject to 10 C.F.R. Part 2, Subpart L may file a request for a hearing. 10 C.F.R. § 2.1205(a). A request for a hearing filed by a person, other than the applicant, must describe in detail: the interest of the requestor in the proceeding; how that interest may be affected by the results of the proceeding; the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and the circumstances establishing that the request for a hearing is timely in accordance with 10 C.F.R. § 2.1205(c). 10 C.F.R. § 2.1205(d).

In ruling on a request for a hearing filed under 10 C.F.R. § 2.1205(c), the presiding officer shall determine whether the specified areas of concern are "germane" to the subject matter of the proceeding. 10 C.F.R. § 2.1205(g). The presiding officer also shall determine whether the requestor meets the judicial standards for standing and shall consider, among other factors, the nature of the requestor's right under the Atomic Energy Act to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other interest in the proceeding; and the possible effect of any

order that may be entered in the proceeding upon the requestor's interests. 10 C.F.R. § 2.1205(g).

With respect to standing, the rule in 10 C.F.R. § 2.1205(g) "is simply a restatement of long-standing Commission requirements that a prospective intervenor, who believes that his or her interests may be affected by a proceeding, must, as if in a court of law, show 'a concrete and particularized injury that is fairly traceable to the challenged action.'" *Babcock and Wilcox Company* (Pennsylvania Nuclear Services Operations, Parks Township, Pennsylvania), LBP-94-4, 39 NRC 47, 49 (1994), citing *Transnuclear, Inc.* (Export of 93.15% Enriched Uranium), CLI-94-01, 39 NRC 1, 5 (1994). To satisfy these judicial standards for standing, a prospective party must show 1) that it could suffer an actual "injury in fact" because of the licensing proceeding, and 2) that its interest arguably is within the "zone of interests" to be protected by the pertinent statutes under which the petitioner seeks to challenge the licensing action. *Sacramento Mun. Utility Dist.* (Rancho Seco Nuclear Generating Station), CLI-92-2, 35 NRC 47, 56 (1992); *Babcock and Wilcox* (Apollo, Pennsylvania Fuel Fabrication Facility - Decommissioning Plan), LBP-93-4, 37 NRC 72, 80, *appeal dismissed*, CLI-93-9, 37 NRC 190 (1993). To be admitted as a party in an NRC proceeding, a petitioner must allege an "injury in fact" that is within the zone of interests protected by the Atomic Energy Act (AEA) of 1954, as amended, or the National Environmental Policy Act (NEPA) of 1969, as amended. *Apollo*, LBP-93-4, 37 NRC at 81; *Niagara Mohawk Power Corp.* (Nine Mile Point Nuclear Station, Unit 2), LBP-83-45, 18 NRC 213, 215 (1983).

The three components of the "injury in fact" requirement are injury, cause, and remedial benefit. *Apollo*, LBP-93-4, 37 NRC at 81. The showing necessary to satisfy these elements has been characterized as follows:

Although variously described, the asserted injury must be "distinct and palpable" and "particular [and] concrete" as opposed to being "conjectural . . . [,] hypothetical," or "abstract." The injury need not already have occurred but when future harm is asserted, it must be "threatened," "certainly impending," and "real and immediate." Additionally, there must be a causal nexus between the asserted injury and the challenged action. In other words, the alleged harm must have "resulted" in a "concretely demonstrable way" from the claimed infractions. There must also be a sufficient causal connection between the alleged harm and the requested remedy so that the complaining party "stand[s] to profit in some personal interest."

*Id.*, citing *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), LBP-92-4, 35 NRC 114, 121 (1992). To establish the requisite "injury in fact," the petitioner bears the burden of establishing that the various injuries it alleges will occur to its AEA-protected health and safety interests, or its NEPA-protected environmental interests. *Id.*

In addition to establishing the petitioner's standing or interest in the proceeding and providing a brief statement of how the petitioner's interest may be affected by the outcome of the proceeding, a request for a hearing in a materials licensing proceeding also must provide a concise statement of the petitioner's areas of concern sufficient to establish that the issues sought to be raised are "germane" to the proceeding. See *Combustion Eng'g., Inc.* (Hematite Fuel Fabrication Facility), LBP-89-23, 30 NRC 140, 143 (1989), citing 10 C.F.R. § 2.1205(d). A petitioner's statement of concerns must provide the presiding officer with the minimal information needed to ensure that the

issues sought to be litigated are germane to the proceeding pursuant to 10 C.F.R. § 2.1205(g). *Sequoyah Fuels Corp.*, LBP-91-5, 33 NRC 163, 166-67 (1991); *Curators of the Univ. of Missouri*, LBP-90-18, 31 NRC 559, 568 (1990); *Northern States Power Co. (Pathfinder Atomic Plant)*, LBP-90-3, 31 NRC 40, 47 (1990). "This statement of concerns *need not be extensive*, but must be sufficient to establish that the issues the requestor wants to raise regarding the licensing action *fall generally* within the range of the matters that properly are subject to challenge in such a proceeding." *Statement of Considerations, Informal Hearing Procedures for Materials Licensing Adjudications*, 54 Fed. Reg. 8269, 8272 (February 28, 1989) (emphasis added); *Combustion Eng'g.*, LBP-89-23, 30 NRC at 143. Against this backdrop the Staff evaluates the three hearing requests.

B. The NEORSD and the City Should Be Admitted as Parties to this Proceeding

The Staff does not oppose the admission of the NEORSD and the City as parties to this proceeding. Both have demonstrated standing as provided in 10 C.F.R. § 2.1205(g) and their requests were timely filed. Further, both the NEORSD and the City have identified areas of concern which are germane to this proceeding.

The NEORSD has standing by virtue of the fact that the Licensee's facility is within the service area of the NEORSD's wastewater collection and treatment system. NEORSD's Hearing Request at 1. The NEORSD has expressed concern that an accident or natural disaster at the Licensee's facility could result in a release of radioactive material which threatens the safety of its employees as well as the general public. *Id.* at 2. The NEORSD further claims that it has a property interest in this proceeding

in that any release of radioactive material from the Licensee's facility could result in the contamination of the NEORSD's waste treatment plants. *Id.* at 3. The NEORSD has identified interests which could be affected by the outcome of this proceeding. Further, the NEORSD's interests are within the scope of the Atomic Energy Act. The NEORSD, therefore, has standing in this proceeding.

The NEORSD has identified three areas of concern which are germane to the Licensee's Renewal Application. These areas are, the control of radioactive material at the Licensee's facility, the lack of a "realistic" emergency plan, and the failure of the Licensee to provide adequate financial assurance for decommissioning. NEORSD's Hearing Request at 4-5. All of these issues were identified by the Staff's December 22 Letter to the Licensee as issues within the scope of the Staff's review of the Licensee's Renewal Application. They are, therefore, germane to this proceeding. However, the NEORSD also raises a concern with respect to the necessity for the Licensee to provide financial protection to cover public liability claims. *Id.* at 5. Although this concern was not expressed as an issue for the Staff's review of the Licensee's Renewal Application, it is arguably germane to this proceeding in that it would be within the scope of the Commission's authority to impose such a condition on the Licensee's renewed license. *See AMS, DD-94-6, 39 NRC 373.* Since the NEORSD has established standing and has identified areas of concern germane to this proceeding, it should be admitted as a party to this proceeding.

Similarly, the City has also established standing. The Licensee's facility is located in the City and, thus, the City has an interest in ensuring the health and safety of its

citizens. *See* City's Hearing Request at 2. The City also has an interest in the safety and well-being of its employees whose job would encompass responding to any emergencies or accidents at the Licensee's facilities. *Id.* The City's stated interests could be affected by the outcome of this proceeding and its interests are within the scope of the Atomic Energy Act. The City, therefore, has established standing to intervene in this proceeding.

The City has also identified areas of concern which are germane to this proceeding. The City asserts that its areas of concern are identical to the nine issues listed in the December 22 Letter, as well as those concerns outlined by the NEORSD in its hearing request.<sup>2</sup> *Id.* at 5. Although the City claims to raise the same areas of concern as the issues raised by the Staff in the December 22, 1994 letter, the City only discusses in detail two areas of concern, the Licensee's Emergency Plan, and the Decommission Funding Plan and Financial Assurance Mechanism. *Id.* at 5-7. Since the City wishes to raise issues which are the same as those issues raised by the Staff with respect to the Licensee's Renewal Application, the City has identified concerns which are germane to the proceeding. The City, therefore, should be admitted as a party to this proceeding.

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<sup>2</sup> With respect to the City's assertion that it also wishes to raise the same areas of concern as the NEORSD, the City also asserts the concern that AMS should be required to maintain financial protection to cover public liability claims. City's Hearing Request at 6. The Staff's views with respect to this concern have already been presented in its discussion of NEORSD's areas of concern and are, thus, applicable to the City's asserted areas of concern.

D. The EDC Should Not Be Admitted as a Party

1. The EDC Fails to Establish Standing

The EDC fails to establish standing. Organizations such as EDC can intervene in NRC proceedings in their own right or derive standing as the representative of their members. *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644 (1979); *Arizona Pub. Serv. Co.* (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), LBP-91-4, 33 NRC 153, 158 (1991). However, the petitioning organization must explain why it or its members have standing. *Palo Verde*, LBP-91-4, 33 NRC at 158.

At the outset, nowhere in its request in the instant proceeding does the EDC allege any injury, actual or abstract, present or future, that may accrue to it as a result of the pending license renewal application. Under the portion of its one page request which addresses the EDC's areas of concern, the EDC does not make any showing of a harm from the proposed amendment to any of the activities in which it might engage.

Under the section of its request in which its interests are discussed, the EDC states that it is a non-profit environmental education and advocacy organization whose interest is not commercial or financial but is interested strictly in public information and environmental interests. The Commission has long held that institutional interest in providing information to the public is insufficient for standing. *Transnuclear*, CLI-94-01, 39 NRC at 5.

If a petitioning organization seeks to meet the injury in fact test for standing on behalf of its members, it must allege that at least one member is suffering injury as a

result of the challenged action. *South Texas Project*, ALAB-549, 9 NRC at 646-4'. Further, the petitioning organization must describe the nature of the injury and provide an authorization from the member for the organization to represent the member in the proceeding. *Northern States Power Co. (Pathfinder Atomic Plant)*, LBP-89-30, 30 NRC 311, 314 (1989). In the instant proceeding, the EDC fails to identify any citizen injured by the activities that would be authorized in the requested license renewal. Thus, the EDC lacks standing as a representative of residents near the Licensee's facility because it fails to identify at least one resident who will suffer an "injury in fact" because of the renewal of Material License No. 34-19089-01 and has authorized the EDC to represent him or her.

In sum, because the EDC's request for a hearing fails to show a possibility of injury to the organization or to any member of the organization from the renewal of Material License No. 34-19089-01, the EDC fails to demonstrate an "injury in fact" caused by the proposed action. A petitioner's failure to explain how it will suffer any injury from alleged concerns places an insurmountable hurdle in the path of its efforts to establish its standing to litigate any of those concerns. *See Apollo*, LBP-93-4, 37 NRC at 92-93. Consequently, the EDC's request for a hearing in the above-captioned proceeding should be denied.

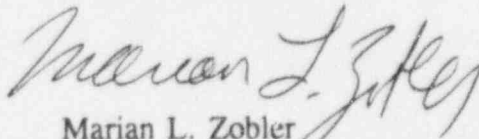
The EDC has failed to establish standing and further failed to address the circumstances establishing that its request for a hearing is timely. *See* 10 C.F.R. § 2.1205(d)(4). It does appear, however, that the EDC has arguably raised issues which are germane to this proceeding. These concerns relate to emergency

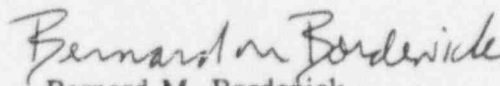
planning and the possibility for the release off site of radioactive materials. Since these areas have been identified by the Staff as issues within the scope of its review of the license renewal application, there is sufficient information to establish that the EDC's concerns fall generally within the range of the matters which are properly subject to challenge in this proceeding.

CONCLUSION

The NEORS and the City have established standing to intervene in this proceeding and have identified concerns which are germane to this proceeding. Accordingly, their requests for hearing should be granted. The EDC has failed to demonstrate an "injury in fact" caused by the renewal of Material License No. 30-16055. The EDC's hearing request should, therefore, be denied.

Respectfully submitted,

  
Marian L. Zobler  
Counsel for NRC Staff

  
Bernard M. Bordenick  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 6th day of February, 1995

DEC 22 1994

Advanced Medical Systems, Inc.  
ATTN: David Cesar, Treasurer  
121 North Eagle Street  
Geneva, OH 44041

RE: APPLICATION FOR RENEWAL OF NRC LICENSE 34-19089-01

Dear Mr. Cesar:

The renewal process enables NRC to reevaluate licensed programs which have been in operation for a five year period. During this five year period many licensees find that their programs have changed along with their business goals and operations and that NRC regulations and policy have also changed. Therefore, we require that licensees provide us with a complete license renewal application, describing all aspects of their licensed operations and radiation safety program and procedures as if they were applying for an NRC license for the first time, without reference to previously submitted documents. This renewal process was discussed with you by Roy Caniano and John Madera during a management visit to your facility in April 1994.

We have reviewed your application dated November 29, 1994, and are disappointed to find that you did not provide sufficient information to evaluate your program activities and procedures. Consequently, you will need to resubmit your application with the following subject areas appropriately addressed without any reference to previous correspondence:

1. Radioactive Material

Your application provided the appropriate elements, mass numbers, chemical and physical forms, and maximum amount of the material you will possess at any one time. However, you did not provide the necessary information concerning the disposition of the materials and activity which you have eliminated from previously licensed authorization. Therefore, in order for us to evaluate your request for a reduction in possession limits, please provide appropriate documentation which will account for the material you have transferred and/or disposed of.

Also, please indicate/approximate the type and quantity (activity) of radioactive material currently possessed at your facility. Specifically, provide information concerning your current inventory of radioactive material to include the quantities of material you possess in the form of sealed sources, bulk sources, facility contamination and both liquid and solid radwaste. This should be added to your radioactive material possession limits in items 6., 7., and 8. of your NRC license.

2. Intended Use of Radioactive Material

Your application did not provide any information concerning intended use of the materials requested. Please provide information concerning the use of radioactive materials at your London Road facility, including possession incident to decommissioning and/or transfer to an authorized individual or entity. Specifically, you will need to provide detailed information concerning service operations (procedures, etc.).

3. Management Control and Responsibility

a. Senior Management

Resubmit a copy of your organizational chart illustrating the reporting path of the Radiation Safety Committee and/or Chairman of the Committee to Senior Management.

Submit a statement, signed by upper management, empowering the Radiation Safety Officer (RSO). The statement must describe the RSO's authority to oversee the licensed program, the responsibility for control and direction of the radiation safety program, and the authority to terminate licensed activities which pose a health and safety risk.

b. Radiation Safety Officer Staff (RSOS)

Provide an assessment regarding the adequacy of staff (including both numbers and qualifications) to support and maintain your radiation safety program. The assessment may be general, however, enough information should be provided to relate required services (e.g., audits, retraining, bioassay, response to emergencies, etc.), to facilities covered (e.g., number of laboratories, users, special uses, etc.).

c. Radiation Safety Officer

Submit a description of the duties and responsibilities of your RSO. The typical duties of a RSO would be:

- (1) To ensure that the use of radioactive materials is by or under the direct supervision of individuals specifically listed on your license.
- (2) To ensure that all users (where appropriate) wear personnel monitoring equipment when using radioactive materials.
- (3) To ensure that radioactive materials are properly secured against unauthorized removal at all times when not in use.

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Advanced Medical Systems, Inc.

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- (4) To perform routine inspections of all areas using or storing radioactive materials.
- (5) To ensure that the terms and conditions of your license are met, and that all required records are maintained.
- (6) To immediately halt any activity judged to be a threat to health, safety, the environment or a violation of the conditions of your license or the regulations.

d. Audit Program

Radiation Safety Officer and Staff Audits

Describe the audit mechanism implemented by the RSO and his staff to determine compliance with the terms and conditions of the NRC license. Your audit program should include: (1) routine unannounced inspections of each area where material is used and stored; (2) evaluation of worker/technician training through discussion and observation of work practices, and; (3) performance of independent surveys of work and storage area.

4. Training Program:

Confirm that training provided pursuant to 10 CFR 19.12 will include all occupational workers and ancillary personnel whose duties may require them to work in the vicinity of radioactive material. In addition, please commit to providing this training before new personnel assume their duties with, or in the vicinity of radioactive material, during annual refresher training, and whenever there is a significant change in duties, regulations, or the terms of the license. Also, confirm that you will maintain records of this training. Records should include the names of the attendees, topics, and date of training.

Your formal training program for authorized users (sealed source handlers) and service personnel must be provided. This program can be as previously submitted, however, it should be re-submitted to reflect all pertinent changes, e.g. management structure, administration, technical aspects, etc.

5. Facilities and Equipment

Submit a detailed diagram of the facilities for each location where radioactive material will be used. Include a description of area(s) assigned for receipt and storage (including waste). Your diagram(s) should show:

- a. Adjacent areas across the walls from use and storage areas.
- b. Descriptions of the ventilation system with pertinent airflow rates for locations where radioactive material may become airborne.
- c. A specified scale with indicated dimensions.
- d. Appropriate postings/labels to identify laboratories, work areas, and equipment e.g., fume hoods, special sinks, preparation areas, protective clothing change areas, etc.

6. Radiation Safety Program:

Your radiation safety program must outline the formal requirements necessary to maintain control of your licensed activities. These controls and provisions are related to organization and management, procedures, recordkeeping, material control and accounting, and management review to ensure safe operations under the license. Your radiation safety program description should be in narrative form, and should follow the subject matter presented in Section 10 of the enclosed Regulatory Guide 10.5 Revision 3, as it relates to your program. Specifically, please respond to the following items:

- a. 10.2: Administrative Procedures;
- b. 10.2.1: Control of Procurement and Use;
- c. 10.2.3: Emergency Procedures;
- d. 10.2.4: Operating and Handling Procedures;
- e. 10.2.5: Other Procedures (i.e., Standard Operating Procedures);
- f. 10.3: Inventory and Accountability;
- g. 10.4: Audits and Appraisals;
- h. 10.4.1: Management and Radiation Safety Committee Audits;
- i. 10.4.2: Radiation Safety Officer and Staff Audits
- j. 10.6: Exposure Control and Monitoring;
- k. 10.6.1: External
- l. 10.6.2: Internal
- m. Facility Survey Program (ISP procedures);
- n. Survey Instrument Calibration Program (ISP procedure);
- o. Leak Test Program (ISP procedure); and
- p. 11: Waste Management

The areas addressed in Regulatory Guide 10.5, as outlined above, can also be addressed by referencing specific AMS ISP procedures (your SOP) and/or other procedures that you have instituted to manage your radiation safety program. However, these manuals/procedures must be submitted in their entirety for our review. This was discussed with you and Mr. Meschter on December 6, 1994, during a telephone conference.

7. Emergency Plan:

10 CFR 30.32(i)(3) requires that you provide an Emergency Plan in accordance with the guidance provided in Regulatory Guide 3.67, which has been previously provided to you. This is a requirement for new licensees as well as those who are up for renewal. Your application failed to provide an updated copy of your Emergency Plan. The updated version must reflect changes in management control, administration, technical aspects, etc. that have occurred since initial acceptance of your Emergency Plan by the NRC. Please follow the guidance in Regulatory Guide 3.67, and submit your plan for our review.

8. Decommissioning Funding Plan and Financial Assurance Mechanism:

In order for us to complete our review of your renewal application and issue a renewed license, we need to review and accept your Decommissioning Funding Plan (DFP) and financial assurance mechanism. Pursuant to 10 CFR 30.35(c)(2), you were required to submit your DFP with your license renewal application which was required to be submitted by December 1, 1994 (10 CFR 30.36). While you failed to comply with these requirements, you indicated in your renewal application dated November 29, 1994 that your DFP will be submitted by December 31, 1994. Should your DFP not be submitted by December 31, 1994, this matter will be reviewed for appropriate enforcement action.

9. Waste Management:

You should describe your methods for disposal of radioactive waste. Your application should include, where appropriate for the types of waste involved, provisions for monitoring and segregating waste (radioactive from nonradioactive, short half-life from long, liquid from solid waste). The following items should be considered and addressed in your application:

- a. Transfers to a recipient (usually a waste disposal service company or the original supplier) properly licensed to receive such waste in accordance with paragraph 20.2001(a)(1) of 10 CFR Part 20. State the name and license number of the receiving company.
- b. Storage of radioactive material with half-lives greater than 65 days should be characterized regarding volume and anticipated time in residence at your facility prior to disposal. The NRC does not consider storage as a substitute for final disposal of radioactive waste. Other than storage for radioactive decay, low level radioactive waste (LLW) should be stored only when disposal capacity is unavailable and for no longer than is necessary, e.g., no longer than 2 years. NRC Information Notice No. 90-09, "Extended Interim Storage of Low-Level Radioactive Waste For Fuel

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Cycle and Material Licensees", outlines the provisions and requirements for interim storage. If you find that the interim storage provision applies to your program, it will be necessary for you to address in your application the information outlined in the Information Notice.

- c. Release into air or water pursuant to 20.2003(a)(1) of 10 CFR Part 20. You should discuss the monitoring and control mechanisms in place to ensure compliance with the appropriate requirements.

We will continue our review of your application upon receipt of this information. Please reply in duplicate, within 30 days, and refer to Control Number 397891.

If you have any questions or require clarification on any of the information stated above, you may contact me at (708) 829-9834.

Sincerely,

Original Signed By  
John A. Grobe, Chief  
Nuclear Materials Inspection  
Section 2

Enclosures:

- 1. Regulatory Guide 10.5, Rev.3
- 2. Regulatory Guide 3.67
- 3. IN 90-09

cc/w enclosures: Robert Meschter, RSO  
1020 London Rd.  
Cleveland, OH 44110

Mayor Michael White, Cleveland  
Lisa Mehringer, Cleveland  
Irv Ball, Cuyahoga County  
Robert Owen, Ohio  
Erwin Odeal, NEORSD

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NAME	KNull:bt		JRMader		WJSlawinski		JAGrobe	
DATE	12/22/94		12/ /94		12/22/94		12/22/94	

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION 95 FEB -7 AM 11:26

BEFORE THE PRESIDING OFFICER

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

in the Matter of )  
) Docket No. 30-16055-ML-REN  
)  
ADVANCED MEDICAL SYSTEMS, ) ASLBP No. 95-707-02-ML-REN  
INC. )  
(Cleveland, Ohio) ) (Material License  
) No. 34-19089-01)  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S NOTICE OF PARTICIPATION AND RESPONSE TO REQUESTS FOR HEARING" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, as indicated by asterisk or through deposit in the Nuclear Regulatory Commission's internal mail system this 6th day of February, 1995:

Marshall E. Miller\*  
Presiding Officer  
1920 South Creek Boulevard  
Spruce Creek Fly-In  
Daytona Beach, FL 32124

Adjudicatory File (2)  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Harry Foreman\*  
Special Assistant  
1564 Burton Avenue  
St. Paul, MN 55108

Office of Commission Appellate  
Adjudication  
Mail Stop: 16-G-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary  
ATTN: Docketing and Service  
Mail Stop: 16-G-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

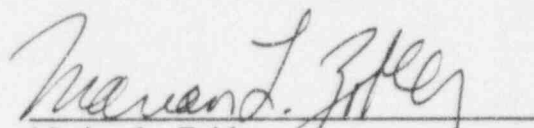
Mr. Chris Trepal\*  
Earth Day Coalition  
3606 Bridge Avenue  
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