

programs planned or underway in the spent fuel projects office.

**B. Viability Assessment**—The Committee will review the Department of Energy's Yucca Mountain viability assessment. This will include an overview of the Total System Performance Assessment and factors used in abstracting TSPA models, the repository safety strategy, performance allocation, and an overview of the license application plan.

**C. Preparation of ACNW Reports**—The Committee will discuss planned reports on the following topics: an ACNW self assessment; a 1999 Action Plan for the Committee; proposed importance measures for evaluating nuclear waste repository performance; issues related to regulatory guidance and a standard review plan for decommissioning; observations from the recent European technical exchange; and other topics discussed during this and previous meetings as the need arises.

**D. Meeting with NRC's Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards**—The Committee will meet with the Director to discuss recent developments within the division such as developments at the Yucca Mountain project, rules and guidance under development, available resources, and other items of mutual interest.

**E. Prepare for the Next Meeting with the Commission**—The Committee will begin preparations for its next public meeting with the Commission. Topics to be discussed will be selected and Committee assignments made.

**F. Committee Activities/Future Agenda**—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

**G. Miscellaneous**—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51967). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its

consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the Chief, Nuclear Waste Branch, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Major as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415-7366), between 8:00 a.m. and 5:00 p.m. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or reviewing on the internet at <http://www.nrc.gov/ACRSACNW>.

The ACNW meeting dates for Calendar Year 1999 are provided below:

ACNW Meeting No.	1999 ACNW meeting date
106th .....	No Meeting in January. February 22-26, 1999 (San Antonio, Texas).
107th .....	March 23-25, 1999. No Meeting in April.
108th .....	May 11-13, 1999.
109th .....	June 15-17, 1999.
110th .....	July 19-21, 1999. No Meeting in August.
111th .....	September 14-17, 1999 (Amargosa Valley, Nevada).
112th .....	October 12-14, 1999. No Meeting in November.
113th .....	December 14-16, 1999.

Dated: November 5, 1998.

**Andrew L. Bates,**  
*Advisory Committee Management Officer.*  
 [FR Doc. 98-30260 Filed 11-10-98; 8:45 am]  
**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.  
**DATE:** Weeks of November 9, 16, 23, and 30, 1998.  
**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.  
**STATUS:** Public and Closed.  
**MATTERS TO BE CONSIDERED:**

**Week of November 9**

*Thursday, November 12*  
 11:30 a.m.  
 Affirmation Session (Public Meeting) (if needed)

*Friday, November 13*  
 9:00 a.m.  
 \*Meeting on NRC Response to Stakeholders' Concerns (Public Meeting) (Contact: Bill Hill, 301-415-1661/1969)

\***Please Note:** The room location for the Meeting on NRC Response to Stakeholders' Concerns, scheduled for Friday, November 13, is in the NRC auditorium, Bldg 2, NRC Headquarters, Rockville, Md.

**Week of November 16—Tentative**

*Tuesday, November 17*  
 11:30 a.m.  
 Affirmation Session (Public Meeting) (if needed)

**Week of November 23—Tentative**

*Tuesday, November 24*  
 9:00 a.m.  
 Briefing on fire Protection Issues (Public Meeting) (Contact: Steve West, 301-415-1220)

*Wednesday, November 25*  
 11:30 a.m.  
 Affirmation Session (Public Meeting) (if needed)

**Week of November 30—Tentative**

*Monday, November 30*  
 2:00 p.m.  
 Meeting of DC Cook (Public Meeting) (Contact: John Stang, 301-415-1345)  
 3:30 p.m.  
 Affirmation Session (Public Meeting) (if needed)  
 The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill (301) 415-1661.

\* \* \* \* \*

**ADDITIONAL INFORMATION:** By a vote of 5-0 on November 3, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "BRIEFING BY EXECUTIVE BRANCH" (Closed Ex.-1) be held on

November 3, 1998, and on less than one week's notice to the public.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>.

\* \* \* \* \*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [wmh@nrc.gov](mailto:wmh@nrc.gov) or [dkw@nrc.gov](mailto:dkw@nrc.gov).

\* \* \* \* \*

Dated: November 6, 1998.

**William M. Hill, Jr.,**

*Secy Tracking Officer, Office of the Secretary.*  
[FR Doc. 98-30385 Filed 11-9-98; 1:04 pm]

BILLING CODE 7590-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-16055]

### 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 (NRC), has acted on a Petition for action under 10 CFR 2.206, dated August 19, 1994, filed by William B. Schatz, Esq., on behalf of the Northeast Ohio Regional Sewer District (District), with respect to an NRC Licensee, Advanced Medical Systems, Inc. (AMS).

The District requested, pursuant to 10 CFR 2.206, that NRC amend AMS' License No. 34-19089-01 to require AMS to install, maintain, and operate a radiation alarm system on all drains at 1020 London Road, Cleveland, OH (AMS Facility) that lead to either sanitary or storm sewers.

The Petitioner's request to require a radiation alarm system on all drains at the AMS Facility was based on the risk posed by the contaminated AMS Facility, and on the basis that the original license for the site, issued to Picker X-Ray Corporation (Picker) in 1959, contained a requirement for an alarm system to detect unmonitored discharges.

For the reasons stated in the "Director's Decision Under 10 CFR

2.206" (DD-98-11), the Director of the Office of Nuclear Material Safety and Safeguards has denied the request. The complete text of DD-98-11 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, OH 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 4th day of November, 1998.

For the Nuclear Regulatory Commission.  
**Carl J. Paperiello,**  
*Director, Office of Nuclear Material Safety and Safeguards.*

### I. Introduction

By letter dated August 19, 1994, addressed to Mr. James M. Taylor, former Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC), William B. Schatz, Esq., on behalf of the Northeast Ohio Regional Sewer District (District), requested that the NRC take action with respect to Advanced Medical Systems, Inc. (AMS), of Cleveland, OH, an NRC licensee.<sup>1</sup> The District requested,

<sup>1</sup> Northeast Ohio Regional Sewer District submitted two previous Petitions for action against AMS under 10 CFR 2.206. In a Petition dated March 3, 1993, and supplemented by letters dated September 13, 1994, October 13, 1994, and April 29, 1996, the Petitioner requested that 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; (2) order AMS to decontaminate the sewer connecting its facility with the public sewer at London Road, and continue down stream with such decontamination to the extent that sampling indicates is necessary; (3) commence enforcement action against AMS for violation of 10 CFR 303(a), 401(c)(3) and 20.2003; and (4) take action on the AMS license to safely, immediately, and reasonably decontaminate the London Road interceptor (the sewer). The second request had been partially granted when the NRC amended the AMS license to require remediation of the sewer line connecting AMS Facility with the public sewer, and the Petition was denied in all other respects. Advanced Medical Systems, Inc. (DD-97-13), 45 NRC 460 (1997). In a second Petition dated August 3, 1993, the Petitioner requested that the NRC take action to require AMS to provide adequate financial assurance to cover public liability pursuant to section 170 of the Atomic Energy Act of 1954, as amended. The second petition was denied. Advanced Medical Systems, Inc. (DD-94-6), 39 NRC 373 (1994).

pursuant to 10 CFR 2.206, that the NRC amend License No. 34-19089-01, to require AMS to install, maintain, and operate a radiation alarm system on all drains at 1020 London Road, Cleveland, OH (AMS Facility), that lead to either sanitary or storm sewers.

The District asserts two major reasons as the bases for the request. First, it views the quantity of cobalt-60 waste in the AMS Facility's basement as a major threat based on the following: (a) The NRC has admitted that the existing contamination at the AMS Facility continues to pose a risk; (b) the contamination that exists at the AMS Facility is estimated to include 393 curies, as of 1988, of loose, "talcum-like" cobalt-60 scattered on the floor of the basement waste hold-up room; (c) cobalt-60 contamination was found in the sewer line connecting the AMS Facility to the public sewer, and was found directly under the AMS discharge; (d) the District has already incurred costs of nearly \$2 million to address loose cobalt-60 contamination at the Easterly and Southerly Wastewater Treatment Plants; (e) the NRC has been unable or unwilling to explain the source of the cobalt-60 on the District's property, and unable to identify any likely sources for the cobalt-60 other than the AMS Facility; and (f) the quantity of cobalt-60 at the Southerly Plant exceeds that which the AMS records show was released by AMS into the sewer system. Secondly, the original license for this site, issued to Picker in 1959, contained a requirement for an alarm system to detect unmonitored discharges. The District states that such an alarm system was not a condition of the subsequent AMS license, despite a recommendation from Oak Ridge Associated Universities that such an alarm system be installed, along with control valves, to shut off flow to the sewer if the alarm sounds.

By letter dated September 7, 1994, the NRC formally acknowledged receipt of the District's letter, and informed the District that its request was being treated pursuant to 10 CFR 2.206 of the Commission's regulations. A notice of the receipt of the Petition was published in the **Federal Register** on September 19, 1994 (59 FR 47959). The NRC Staff sent a copy of its acknowledgment letter, with a copy of the Petition, to AMS. By letter dated November 9, 1995, the NRC informed the District that further action on its request was being deferred until completion of an ongoing proceeding on AMS' November 29, 1994, application to renew its license. While that proceeding has not been terminated, the NRC staff has decided to deny the renewal application. See letter