

DCS



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20565-0001

MAR 07 1994

Docket No. 030-02710  
License No. 34-02867-02  
EA 93-204

John R. Sinkey, M.D.  
3036 Sylvania Avenue  
Toledo, Ohio 43613

Dear Dr. Sinkey:

We are continuing our review of your letters dated September 24, 1993 and February 16, 1994, in which you respond to a Notice of Violation and Proposed Imposition of Civil Penalty dated September 9, 1993. In your letter of September 24, 1993, you requested remission or reduction of the fine for a number of reasons, including your view that the amount of the civil penalty is excessive in relation to the amount of charges and receipts from your use of I-131.

Section VI.B.1 of the NRC's Enforcement Policy (10 CFR 2, Appendix C) provides, in part, that "it is not the NRC's intention that the economic impact of the civil penalty be so severe that it puts a licensee out of business (orders, rather than civil penalties, are used when the intent is to terminate licensed activities) or adversely affects a licensee's ability to safely conduct licensed activities. . . Normally, if a licensee can demonstrate financial hardship, the NRC will consider payments over time, including interest, rather than reducing the amount of civil penalty. However, where a licensee claims financial hardship, the licensee will normally be required to address why it has sufficient resources to safely conduct licensed activities and pay license and inspection fees." Licensees are required to execute a promissory note for payment of a civil penalty over time.

If you are requesting that NRC consider your financial condition before reaching a decision concerning the imposition of any civil penalty, including a decision concerning whether you should be allowed to pay a civil penalty over time, you must provide written evidence to demonstrate that payment of the civil penalty will substantially affect your ability to remain in business or substantially affect your ability to safely conduct licensed activities. You have the burden to support your position with documentation, and should provide copies of your Federal income tax returns for the past three years; statements showing income and expenses including office receipts, salaries, etc.; statements showing assets and liabilities; as well as any other evidence that will help assess your financial condition.

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John R. Sinkey, M.D.

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Please respond to this letter within 20 days. The response should be addressed to Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

If you have questions concerning this matter, you may reach me at (301) 504-2741.

Sincerely,

Original Signed By  
James Lieberman  
James Lieberman, Director  
Office of Enforcement

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