

DCS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

AUG 09 1991

Docket No. 030-10749
License No. 48-16296-01
EA 90-152

Midwest Inspection Service, Ltd.
ATTN: D. Paschan, President
P.O. Box 28023
Green Bay, Wisconsin 54304

Gentlemen:

Subject: Response to Imposition of Civil Penalty

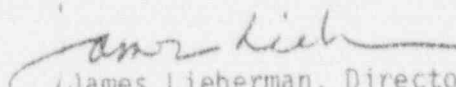
This is in reference to your August 7, 1991 letter. You have stated, in part, that "ability to pay" is a serious factor for Midwest Inspection Service. The violations described in the May 9, 1991 Order Imposing Civil Monetary Penalty warrant a strong sanction to emphasize their significance and that your corrective actions must be lasting. However, NRC's Enforcement Policy, 10 CFR Part 2, Appendix C, provides "... it is not the NRC's intention that the economic impact of a civil penalty be such 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."

Therefore, in order to consider whether you have the ability to pay, you will need to provide the NRC with written evidence to demonstrate that payment of this civil penalty will substantially affect your ability to remain in business or substantially affect your ability to safely conduct licensed activities. To support your position, you should provide documentation for the past several years, such as profit and loss statements showing income and expenses including gross sales, salaries, etc.; balance statements showing assets and liabilities; auditor's reports; and tax returns or other evidence. You should also be aware that the NRC will accept payment of a civil penalty over time.

Please respond to this request within 20 days of the date of this letter so that we can promptly consider your request for mitigation of the proposed civil penalty. The response should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III. Please clearly indicate if you consider this business confidential information that you desire to be withheld from the public.

If you have any questions on this matter, please contact Joseph DelMedico (301) 492-0739 of this office.

Sincerely,


James Lieberman, Director
Office of Enforcement

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Midwest Inspection Service, Ltd.

Distribution

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