

DCS



American Can Company

Timothy G. Rogers
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December 3, 1985

VIA FEDERAL EXPRESS

Mr. James M. Taylor
Director, Office of Inspection
and Enforcement
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: American Can Company
Neenah, Wisconsin, Plant
General License EA 85-47

Dear Mr. Taylor:

This letter is in response to the Order Imposing Civil Monetary Penalty ("Order") that was issued on November 4, 1985. American Can Company appreciates the withdrawal by the Commission of the alleged violation concerning the installation and removal of gauges. As the Commission has acknowledged, the gauges in question were licensed as portable devices; hence, American Can Company employees were, in fact, authorized to install and remove them. Nevertheless, since the date of the enforcement conference on April 5, 1985, such gauges have been installed and removed by a person authorized to perform such activities.

We are disappointed, however, that the Commission has not also chosen to mitigate the penalty relating to the alleged unauthorized transfer of a gauge in the light of the substantial and timely activities undertaken by American Can Company to locate such gauge.

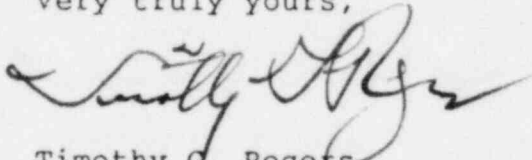
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Mr. James M. Taylor
December 2, 1985
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American Can Company does not request a hearing on this matter, and accordingly, enclosed herewith is a check in the amount of the civil penalty set forth in the Order (\$250.00).

Very truly yours,



Timothy G. Rogers

TGR/bfg

cc: M. J. Anderson
J. H. Boehnlein
R. A. Meserve, Esq.

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