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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 26, 1998

IA 98-045

William H. Clark
[Address Deleted Pursuant
to 10 CFR 2.790]

SUBJECT: DEMAND FOR INFORMATION

Dear Mr. Clark:

The Nuclear Regulatory Commission (NRC) is considering whether you should be prohibited from working in NRC-licensed activities for a period of five years for allegedly providing false information to two NRC licensees, Centerior Energy Services (Centerior) and the Power Authority of the State of New York (New York Power Authority), in order to gain unescorted access to their nuclear facilities. Therefore, the enclosed Demand for Information (Demand) (Enclosure 1) is being issued to you to enable the NRC to fully understand your views on the facts and circumstances surrounding the allegedly false information you provided to these NRC licensees.

Information provided by Centerior and the New York Power Authority to the NRC indicates that you provided false information to Centerior and the New York Power Authority, in order to gain unescorted access to the Perry Nuclear Plant and the Indian Point Unit 3 Nuclear Plant, regarding your prior denial of unescorted access to PECO's Peach Bottom Nuclear Plant on October 25, 1996, based on a positive test for illegal drug use (marijuana). See, for example, the enclosed Licensee Event Report submitted by the New York Power Authority to the NRC on October 30, 1997 (Enclosure 2).

As set forth in the Demand, you may respond to this Demand by (1) filing a written answer under oath or affirmation to the issues in Section III of the Demand, (2) setting forth your reasons why this Demand should not have been issued if the requested information is not being provided, or (3) signing and returning the enclosed consent agreement (Enclosure 3) to indicate your consent to an order which would prohibit your involvement in NRC-licensed activities for a period of five years. If you file a written answer, you may dispute the alleged facts in the Demand and provide additional information which you want the NRC to consider when determining whether to initiate enforcement action against you. A copy of the "General Statement of Policy and Procedures for NRC Enforcement Actions (Policy)," NUREG-1600, Rev. 1, is enclosed for your information (Enclosure 4). Also enclosed is a copy of 10 CFR 50.5 (Enclosure 5), the federal regulation which you allegedly violated by providing false information to NRC licensees in order to gain unescorted access to their nuclear facilities.

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Questions concerning this Demand or the Policy should be addressed to Mr. James Lieberman, Director, Office of Enforcement, who can be reached at (301) 415-2741. We would have contacted you by telephone to discuss this Demand, but we did not have your telephone number.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). Therefore, a copy of this letter with your home address removed, the Demand, and your response, if you choose to submit one, will be placed in the PDR and sent to the individuals listed below after 45 days unless you provide sufficient basis to withdraw the Demand.

Sincerely,

**Original Signed By
James Lieberman**

James Lieberman, Director
Office of Enforcement

Enclosures:

1. Demand for Information
2. Licensee Event Report
3. Consent Agreement
4. NRC Enforcement Policy
5. 10 CFR 50.5

cc w/encl 1 (WITH HOME ADDRESS DELETED):

Lew E. Myers, Vice President,
First Energy, Perry Plant

Mr. G. Rainey, President
PECO Nuclear

Mr. Robert J. Barrett, Site Executive Officer
New York Power Authority

H. Miller, NRC Region I

J. Caldwell, NRC Region III

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NAME	VBeaston <i>VB</i>		JCaldwell <i>JC</i>		JLieberman <i>JL</i>		
DATE	08/24/98		08/21/98		08/26/98		

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ENCLOSURE 1