



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 28, 1998

IA 98-001

Mr. Albert M. Nardslico
**HOME ADDRESS DELETED
UNDER 2.790**

Dear Mr. Nardslico:

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES
(EFFECTIVE IMMEDIATELY)
(NRC Office of Investigations Report NO. 1-96-015)

The enclosed Order Prohibiting Involvement in NRC-Licensed Activities is being issued to you based on the finding by the NRC Office of Investigations (OI) that you intentionally altered the Niagara Mohawk Power Company (NMPC) Fitness for Duty (FFD) computer code to ensure that certain individuals, including yourself, would be excluded from random FFD screening. As such, you violated 10 CFR 50.5(a)(1) which provides, in part, that any employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any rule, regulation, order, or any term, condition, or limitation of any license issued by the Commission. Specifically, you deliberately caused NMPC to violate 10 CFR Part 26 by your involvement in altering the selection code intended to assure that individuals are selected for FFD testing in a statistically random and unpredictable manner. The synopsis of the OI investigation was forwarded to you on January 8, 1998. A predecisional enforcement conference was held with you on February 13, 1998, to discuss this apparent violation, its causes, and your corrective action.

The Order prohibits your involvement in NRC-licensed activities for a period of five years. Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2273, any person who willfully violates, attempts to violate, or conspires to violate any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to civil monetary penalty.

Questions concerning this Order may be addressed to James Lieberman, Director, Office of Enforcement. Mr. Lieberman can be reached at telephone number (301) 415-2741. Also enclosed is a letter issued on this date to Niagara Mohawk Corporation regarding this matter.

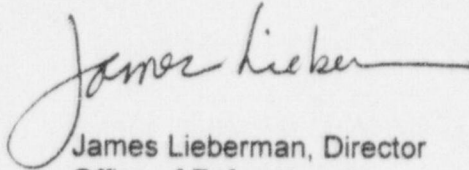
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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter and the enclosures with your home address removed will be placed in the NRC's Public Document Room.

Sincerely,

A handwritten signature in cursive script, reading "James Lieberman", followed by a horizontal line.

James Lieberman, Director
Office of Enforcement

Enclosures:

1. Order Prohibiting Involvement in NRC-Licensed Activities
(Effective Immediately)
2. Letter to Niagara Mohawk Power Corporation

cc w/encs:

B. Ralph Sylvia, Executive Vice President
State of New York