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April 18, 1984

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, DC 20555

ATTENTION: Docketing and Service Branch

SUBJECT: Beaver Valley Power Station - Unit No. 2  
Docket No. 50-412  
Comments on General Statement of Policy and Procedure for  
Enforcement Actions

Gentlemen:

In Federal Register Vol 49, No. 47 dated March 8, 1984, the Commission provided its revised General Statement of Policy and provided for comments on these revisions. The Commission is particularly interested in comments on the issue of "material false statements." Specifically, the Commission asks:

- (1) Has the Commission's emphasis on material false statements had a positive effect on the quality of communications with the NRC or has it had a chilling effect on such communications?
- (2) Should the definition of material false statement be changed to apply only to written statements, submitted under oath?
- (3) Should "materiality" be contingent upon the safety significance of the underlying information?
- (4) Should "materiality" be dependent upon actually influencing an agency reviewer as opposed to having the capability of influencing a reasonable agency reviewer?

BV-2's comments are as follows:

- (1) The overall quality of communications with the NRC has improved as a result of the Commission's position on material false statement. The recent emphasis on material false statement has contributed to more thorough investigations for responses to NRC concerns. However, the recent emphasis might have a tendency to "chill" communications since the possibility of misinterpretation always exists.

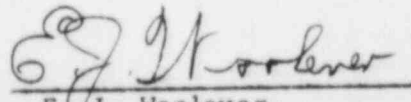
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- (2) The definition of material false statement should be changed to apply only to written statements submitted under oath. In verbal responses, there exists a greater chance for misinterpretation or inaccuracies to be made both by the speaker and the listener as compared to written responses.
- (3) The safety significance of the information should be taken into account when material false statement is considered. If a response to the NRC has no direct relation to the protection of the public health and safety, it should not fall into the material false statement practices.
- (4) This question cannot be addressed adequately seeing as there is no criteria to determine if the "materiality" actually influenced the reviewer.

DUQUESNE LIGHT COMPANY

By   
E. J. Woolever  
Vice President

JS/wjs

cc: Mr. R. DeYoung, Director  
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