

December 21, 1990

Docket Nos. 50-321, 50-366
50-424 and 50-425

Distribution: (w/o enclosures)

Ms. Yvonne Washington
Office of Administrative Law Judges
U.S. Department of Labor
111 20th Street, NW.
Washington, D.C. 20036

<u>Docket File</u>		R. Ingram	
NRC & Local PDRs		R. Hoefling	15/E/18
PD II-3 R/F		J. Lee	12/E/4
S. Varga	14/E/4	OI	3/E/4
G. Lainas	14/H/3		
D. Matthews			
D. Hood			

Dear Ms. Washington:

SUBJECT: REFERRAL OF FALSE TESTIMONY ISSUE (10 CFR SECTION 2.206)

As was discussed by telephone between you and Richard Hoefling of our Office of the General Counsel on December 3, 1990, I am forwarding to you certain documents which have been submitted to the U.S. Nuclear Regulatory Commission (NRC) and which allege that false testimony was knowingly given in a proceeding before the U.S. Department of Labor (DOL) pursuant to Section 210 of the Energy Reorganization Act. The allegation is described at pages 13 through 16 of a Petition filed with the NRC pursuant to 10 CFR Section 2.206 by Mr. Michael Kohn on behalf of Messrs. Marvin Hobby and Allen Mosbaugh (Petitioners). The Petition is dated September 11, 1990, and a copy is enclosed. Also enclosed is a copy of the attachments to the Petition submitted to the NRC by Mr. Kohn and dated September 21, 1990. Exhibit F of the attachments further details the allegation. This information, which has been placed in the NRC's Public Document Room and is thus publicly available, is provided to DOL for its consideration as appropriate.

Also for your information, I have enclosed a copy of the acknowledgement letter sent to the Petitioners by the Director of the Office of Nuclear Reactor Regulation on October 23, 1990. As stated therein, the Director will issue, within a reasonable time, a Director's Decision regarding the issues raised by the Petitioners. Accordingly, we request that you keep us informed of the consideration being given this matter.

Sincerely,

Original signed by G. Lainas for:
Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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PDR ADDCK 05000321
P PDR

Enclosures:
As stated

cc w/o encls: Michael Kohn

*See previous concurrence

*LA:PD113	*PM:PD113
RIngram	DHood:sa
12/12/90	12/12/90

*OGC
12/12/90

Matthews
for OI
DAN MURPHY
12/20/90

DM
D:PD113
DMatthews
12/20/90

ADRR	D:DRP-I/II
GLainas	SVarga
12/20/90	12/20/90

OFFICIAL RECORD COPY
Document Name: 2.206 DEPT OF LABOR REFERRAL

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