

LAW OFFICES OF
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ROBERT STRAUB
J. TIMOTHY KYLE

AREA CODE 205
TELEPHONE 353-7641

October 6, 1989

Mr. Charles E. Rossi, Director
Division of Operational Events Assessment
Office of Nuclear Reactor Regulation
Washington, D.C. 20555

Re: NRC Information Notice Number 89-59
Suppliers of Potentially Misrepresented Fasteners

Dear Mr. Rossi:

The above-referenced information notice issued by the NRC includes a number of statements and indications concerning test results, possibly misrepresented fasteners, and a number of matters which are of critical concern, and potentially devastating impact, to the various suppliers, manufacturers and purchasers referred to in that notice, or dealing with any of those manufacturers or suppliers.

This firm represents Metal Fastener Supply Company, Inc., located in Decatur, Alabama, and the inclusion of our client on this memorandum is particularly distressing giving the absence of any notice of dispute, claim of mislabeling, claim of defective or non-specification complying fasteners supplied through Metal Fastener Supply Company.

Therefore, in view of the implicit allegations in said notice No. 89-59, and in view of the damaging and potentially devastating impact such allegations have upon our client, we request that you contact us and provide to us information concerning the availability of the specific reports upon which these allegations are made, the specific agencies, tests, fasteners, specifications violated, and other matters based upon which my client has been placed on this "black list".

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Our client has gone to great lengths to insure that it properly marks and complies with the specifications in various orders for which it provides fasteners. The inclusion of Metal Fastener Supply on Notice No. 89-59 is therefore a very distressing matter for which our client seeks to obtain clear answers as to the specific underlying allegations, events and transactions from which arise the cause for its inclusion in this report and listing.

We are making contact with the Superintendent of Documents and the National Technical Information Service to obtain such information as they have. However, in view of the notice in question having been issued over your signature, we assume you are in immediate possession of the documentation and information which would be involved. Therefore we ask that you please insure that we receive a prompt reply providing us with the information concerning the various tests, the various complaints, the various reports of non-conforming fasteners, the various test results indicating improper labeling, the various specifics of the improper labeling, and additional information including copies of information Notices No. 88-35, and 87-02.

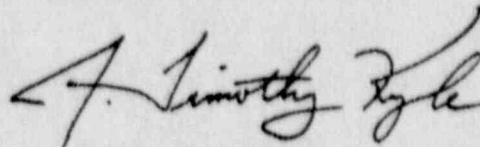
I call upon you to provide this as quickly as possible as the August 16, 1989 memorandum "black list", which is the type of information widely circulated in the fastener industry, has now had almost two months during which to work untold and irremediable damage upon our client, its market and potential market, and its long term operation and business prospects.

There should be no doubt that the basis for this request and the demand for the information arises from the fact that Metal Fastener Supply Company is concerned in that it has built its business over a number years by providing quality merchandise in accordance with specifications of the various purchasers and contractors with whom it has dealt. The sheer breadth of the taint generated by Notice No. 89-59 implies on its face that Metal Fastener Supply has engaged in mismarking and misrepresentation and participated in the supplying of counterfeit fastener all of which statements imply a level of deliberate misconduct, particularly when taken in light of the references to a grand jury indictment as set-out under the "Purpose" heading of Notice No. 89-59.

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Your prompt attention and reply will be greatly appreciated.

Yours very truly,

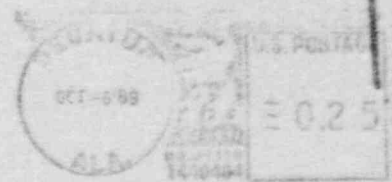
A handwritten signature in cursive script that reads "J. Timothy Kyle". The signature is written in dark ink and is positioned above the typed name.

J. Timothy Kyle.

JTK:oc

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