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January 11, 1994

VIA HAND DELIVERY

Mr. Brian K. Grimes
Director, Division of Operating
Reactor Support
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Five Star Products, Inc.;
Information Notice No. 92-66

Dear Mr. Grimes:

As you may recall, the Commission issued Information Notice No. 92-66 in September 1992, informing the nuclear industry and the public that it could not "determine the quality of Five Star [Products, Inc.'s]" grout used in nuclear facilities and therefore did "not have reasonable assurance that the products produced [were] adequate for use in safety-related applications in nuclear power plants".

One year later, the Staff informed the Commission that Five Star's "products did not constitute a safety concern." NRC Staff Response to Motion to Quash, NRC OI Docket No. 1-93-027R, at 6. While I understand that the Staff wishes to inquire into the hiring practices of Five Star and its affiliated company, Construction Products Research, Inc., the fact remains that Five Star's "products did not constitute a safety concern." The dispute over hiring practices has no bearing on the safety of Five Star's products. Five Star's grout is the product of choice for many licensees' contractors and subcontractors, and thus it is in the public interest to inform the entire service list for Information Notices of the Staff's conclusion.

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In November 1993, I asked that Mr. Barry Letts, of the Office of Investigations, inform your Office of Five Star's request that you supplement Information Notice No. 92-66 to now inform the nuclear industry and the public of the Staff's conclusion that the quality of Five Star's products has been verified. Although Mr. Letts kindly informed me that he had done so, I have not received a response from your Office.

The suggestion that there might be a problem with Five Star's products caused a substantial loss of business to it, while contractors and subcontractors of licensees awaited -- and await -- the Commission's conclusion about Five Star's products. As you know, such entities typically rely on subsequent Information Notices, or Supplements thereto, to eliminate such concerns. Just last week at "The World of Concrete" trade show in New Orleans, the President of Five Star was told by a leading industry engineering firm that it wished to include Five Star grout in a specification for a nuclear power plant, but was informed by the licensee for that plant that, because of Information Notice No. 92-66, Five Star grout could not be included.

Therefore, I am again requesting, as a simple matter of decency and fairness, that your Office supplement Information Notice No. 92-66 to inform the entire service list for such Notices of the Staff's conclusion that Five Star's "products did not constitute a safety concern."

I would appreciate a response to this request as soon as possible, because Five Star's business has suffered unnecessarily as a result of Information Notice No. 92-66.

Very truly yours,

Michael F. McBride

Michael F. McBride

Attorney for Five Star
Products, Inc.

cc: The Honorable Ivan Selin
The Honorable Forrest Remick
The Honorable Kenneth Rogers
The Honorable Gail de Planque

Charles Mullins, Esq.
Mr. Barry Letts
Mr. H. Nash Babcock
H. James Pickerstein, Esq.