



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

Marellino

A 52

August 16, 1982

MEMORANDUM FOR: James Fitzgerald, Director, Office of Investigation
FROM: A. Bert Davis, Deputy Regional Administrator, Region III
SUBJECT: TELEPHONE CALL FROM MYRON CHERRY CONCERNING
ZACK INVESTIGATION

This memorandum will confirm our telephone conversation of August 12, 1982.

Mr. Myron Cherry called Mr. Keppler and talked to me in his absence concerning the Zack Investigation. He stated that he was representing Mr. Howard and Ms. Marellino who were discharged by Zack. Mr. Cherry believes these people were discharged because they brought forth information to the NRC. He believes that the intent of the Atomic Energy Act is to protect individuals who take such action. He also believes it is mandatory that the NRC investigate the reasons for the discharge of Mr. Howard and Ms. Marellino and to take strong and appropriate enforcement action against the Zack Corporation, and the Utilities which used Zack as a subcontractor for heating, ventilating, and air conditioning systems.

Mr. Cherry requested that he be informed as to the proposed NRC action. He stated that he wants our complete cooperation in investigating why Mr. Howard and Ms. Marellino were discharged. He indicated that if the NRC did not pursue this investigation vigorously he would involve appropriate NRC personnel personally in a law suit. He stated that government officials who did not perform their duties in a responsible manner could be personally sued.

As agreed in our telephone conversation, you will consider this matter, determine whether the requested investigation will be pursued, and let me know the results so I may pass the information on to Mr. Cherry.

For your information, I have discussed this matter with Mr. Stephen Burns, ELD, and he participated in the second telephone conversation with Mr. Cherry and me when I told Mr. Cherry his request was under consideration. Since Mr. Cherry also indicated that he intended to call Commissioner Gilinsky on this matter, I have also briefed Mr. William Manning, Commissioner Gilinsky's legal assistant.

Also, Mr. Cherry stated that he was concerned that the NRC permitted subcontractors such as Zack to hire unqualified people such as Howard and Marellino for work in their quality assurance/quality control organization. He further stated that he believed Howard and Marellino's replacement were equally as unqualified as Howard and Marellino to perform these duties. I intend to pursue this matter with the Region IV Vendor Inspection Branch to determine appropriate NRC action with regard to the qualifications of these people.