

50-329,330

NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS FIELD OFFICE REGION III  
799 ROOSEVELT ROAD  
GLEN ELLY, ILLINOIS 60137

Vincent EW  
Harrison JH

November 18, 1983

MEMORANDUM FOR: James G. Keppler, Regional Administrator, Region III  
FROM: Eugene T. Pawlik, Director, Office of Investigations Field Office, Region III  
SUBJECT: ALLEGATIONS BY A FORMER MIDLAND EMPLOYEE CONCERNING ALLEGED IMPROPER TERMINATION

Reference is made to your November 3, 1983 memorandum to me wherein you requested that the Office of Investigations pursue whether or not the individual identified within that memorandum was improperly terminated from the Zack Company. Upon review of that memo and its attached Transcript of Interview the Region III Office of Investigations will combine that allegation with an investigation of a similar nature currently reported as Office of Investigations Case No. 3-82-057.

*Eugene T. Pawlik*  
Eugene T. Pawlik, Director  
Office of Investigations Field Office  
Region III

*Release* *B/2*

## INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER  3-82-057	CATEGORY		OFFICE  OI:RI:1
	<input type="checkbox"/> D - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO  RC Paul	SUBJECT  ZACK COMPANY - Improper Termination		

STATUS (Specify date, and provide a brief description)

12/31/86 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future. ECD Unknown.

01/31/87 - No Change.

02/28/87 - No Change.

03/20/87 - This case is downgraded to Case No. 03-82-057 and is administratively closed due to lack of resources. Report of Inquiry issued 03/20/87.

B/1

Release

NRC FORM 305  
10-821

U.S. NUCLEAR REGULATORY COMMISSION

## INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER  3-82-057	CATEGORY		OFFICE  OI:RIII
	<input type="checkbox"/> O - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	

ASSIGNED TO RC Paul	SUBJECT ZACK - Alleged Improper Termination
------------------------	--

STATUS (Specify date and provide a brief description)

06/30/86 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future. ECD unknown

07/31/86 - No Change.

08/31/86 - No Change.

09/30/86 - No Change

10/31/86 - No Change

11/30/86 - No Change.

*Release*

NRC FORM 308  
(8-82)

## INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER  3-82-057	CATEGORY		OFFICE  OI:RIII
	<input type="checkbox"/> O - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO  RC Paul	SUBJECT  ZACK - Alleged Improper Termination		

STATUS (Specify date, and provide a brief description)

12/31/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.

01/31/86 - No Change.

02/28/86 - No Change.

03/31/86 - No Change.

04/30/86 - No Change. ECD Unknown.

05/31/86 - No Change. ECD Unknown.

*Relapse*

NRC FORM 306  
(8-73)

U.S. NUCLEAR REGULATORY COMMISSION

## INVESTIGATION STATUS RECORD

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CASE NUMBER  3-82-057	CATEGORY		OFFICE  O1FO:RIII
	<input type="checkbox"/> D - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO  RC Paul	SUBJECT  ZACK - Alleged improper Termination		
STATUS (Specify date, and provide a brief description)			
06/30/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
07/31/85 - No Change.			
08/31/85 - No Change.			
09/30/85 - No Change.			
10/31/85 - No Change.			
11/30/85 - No Change.			

release

NRC FORM 305  
(8-82)

U.S. NUCLEAR REGULATORY COMMISSION

## INVESTIGATION STATUS RECORD

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CASE NUMBER  3-82-057	CATEGORY		OFFICE  OIFO:RIII
	<input type="checkbox"/> D - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO  R.C. Paul		SUBJECT  ZACK - Alleged Improper Termination	
STATUS (Specify date, and provide a brief description)			
12/31/84 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
01/31/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
02/28/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
03/31/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
04/30/85 - Due to resource constraints, no field work has been initiated, nor is any anticipated in the immediate future.			
05/31/85 - No Change.			

Release

## INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER	CATEGORY		OFFICE
3-82-057	<input type="checkbox"/> O - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	OIFO:RIII
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO R. C. Paul		SUBJECT ZACK: Alleged improper termination	
STATUS (Specify date, and provide a brief description)			
06/30/84 - Because of other investigative priorities, no additional progress has been made. ECD unknown.			
07/31/84 - Because of other investigative priorities, no additional progress has been made. ECD unknown.			
08/31/84 - Because of other investigative priorities, no additional progress has been made. ECD unknown.			
09/30/84 - Because of other investigative priorities, no additional progress has been made. ECD unknown.			
10/31/84 - Because of other investigative priorities, no additional progress has been made. ECD unknown.			
11/30/84 - Because of other investigative priorities, no additional progress has been made. ECD Unknown.			

*Release*

INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER  3-82-057	CATEGORY		OFFICE  OI FIELD OFFICE REGION III
	<input type="checkbox"/> D - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO  Richard C. Paul		SUBJECT  ZACK: ALLEGED IMPROPER TERMINATION	

STATUS (Specify date, and provide a brief description)

- 11/30/83 No change, anticipated completion date unknown. Investigator re-assigned.
- 01/31/83 This investigation has been assigned to Richard Paul and is currently under review by said Investigator. Completion date unknown.
- 02/29/84: Field work in the investigation is in progress at this time. The anticipated completion date is June, 1984.
- 03/31/84 - Field work in this investigation is in progress at this time. Anticipated completion date is now August, 1984, due to other priorities.
- 04/30/84 - Because of other investigative priorities, no additional progress has been made. Anticipated completion date unknown.
- 05/31/84 - Because of other investigative priorities, no additional progress has been made. Anticipated completion date unknown.

*Release*



INVESTIGATION STATUS RECORD

INSTRUCTIONS: This form is to be completed whenever significant activity has occurred relative to a case or at least every 30 days. If no change has occurred during the 30 day reporting period, indicate "No Change" in the status block. Keep the original with the case file and send one copy to Headquarters, Office of Investigations.

CASE NUMBER  3-82-057	CATEGORY		OFFICE  OI Field Office R III
	<input type="checkbox"/> D - OPERATING REACTOR	<input type="checkbox"/> I - INDIVIDUAL LICENSEE	
	<input type="checkbox"/> C - REACTOR UNDER CONSTRUCTION	<input type="checkbox"/> M - MATERIALS/FUEL	
	<input checked="" type="checkbox"/> V - VENDOR	<input type="checkbox"/> X - OTHER	
ASSIGNED TO C. Weil	SUBJECT ZACK: ALLEGED IMPROPER TERMINATION		

STATUS (Specify date, and provide a brief description)

05-03-82 Received allegation from two former employees of ZACK who claimed they were improperly terminated for reporting deficiencies.

10-82 Interview of 1st allegor

12-08-82 Interview of 2nd allegor

01-07-83 Investigation 75% complete. Investigation scheduled to be completed Jan. 1983

01-31-83 No change. investigation delayed by priority matters.

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3/2/83 Statement received from company president. Statement denied discrimination.

4/15/83 No Change - Investigation to be re-assigned

5/1/83 No Change

6/1/83 No Change

7/1/83 No Change

8/1/83 No change

9/1/83 No change

9/30/83 No Change

10/31/83 No Change, anticipated completion date unknown. Investigation to be reassigned.

*release*



# Wrongful discharge suit names Consumers, Zack

2/24/83  
MON

By PAUL RAU  
Daily News staff writer

A civil suit filed Tuesday in Cook County, Ill., Circuit Court names as defendants Consumers Power Co., one of its Midland employees and a Midland nuclear plant subcontractor.

The wrongful discharge suit was brought by Albert "Terry" Howard and Sharon Marello, two former employees of the Zack Co. based near Chicago. Zack, which supplies and installs ductwork at the Midland plant, also was named in the suit.

Other defendants are Zack Co. President Christine Zack DeZutel and Hank Leonard, a Consumers Power Co. employee in Midland.

Consumers Power and Zack declined comment on the suit.

Howard and Marello are seeking in excess of \$15,000 each, according to their attorney, Sandy VandeKauter of the law firm Harvey L. Walner & Associates Ltd. of Chicago. The suit does not seek their reinstatement to their former jobs at Zack headquarters in Chicago.

Howard, Marello and two other Zack employees not involved in the suit were fired by Zack on April 29, 1982, after they had complained to supervisors and Consumers Power about falsified documents in the documentation section where they worked.

Zack has had a history of trouble keeping proper records of materials it supplied for nuclear plants. Federal law requires complete verification of materials used in safety-related nuclear plant systems. The U.S. Nuclear Regulatory Commission fined Consumers Power \$38,000 in January 1981 for a series of paperwork and construction violations committed by Zack.

The NRC is investigating the allegations made by Howard, Marello and others.

Zack hired four persons in October 1981 to clean up its document situation, including Howard and Marello. Howard, a retired educator and real estate consultant,

was made supervisor of the Quality Assurance (QA) documentation section.

Howard told the Daily News last year that the Zack documents were in a "horrendous mess." He said many documents were missing and thousands more had been altered and falsified.

He said he was assured by Mrs. DeZutel that Zack would not interfere with the work of his department, but that his team was harassed by Zack management because the team refused to cover up the document deficiencies.

In April 1981, Howard said, Leonard of Consumers Power promised him confidentiality and protection from reprisals if he would report the document problems through the utility's Midland Project Quality Assurance Department (MPQAD).

At the time, Leonard was Heating, Ventilating and Air Conditioning (HVAC) Quality Assurance section head. Since then he has been promoted to HVAC QA superintendent.

Two weeks after the problems were reported to Consumers' MPQAD, Zack fired its entire QA documentation section. "We were obviously canned because we knew too much. We were retaliated against," Howard said in 1982.

MS. VANDEKAUTER, speaking for her clients, said Howard and Marello decided to sue when Zack's law firm, Jenner & Block, ignored attempts to arrive at an "amicable settlement" of their grievances. Ms. VandeKauter said her calls and letters were not returned by the firm.

She said the two have suffered emotional trauma and financial difficulty since their firings. "Good employees were left without a job in bad economic times for no reason," Ms. VandeKauter said.

She noted that Howard, who has 10 children, moved his family from Massachusetts to Chicago when Consumers offered him a new career in the nuclear industry, and then moved back after being on the job less than a year.

Release

3-82-057

B/4



OFFICE OF THE SECRETARY

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555

3-82-057

REQUEST FOR REPORTING SERVICE Work Order No. TA- 563

Proceeding: INVESTIGATIVE INTERVIEW

Location of: Meeting 230 West Monroe Street, 20th Floor (Harvey Walmer) Chicago, Illinois (Contact Sandy Vandekauter (782-8550))

Oral Argument Hearing

Deposition

Estimated Duration: Meeting 3 hours or Hearing Deposition Date of: Meeting 2/16/84 or Hearing Deposition Time of: Meeting 9:00 am or Hearing Deposition

Service Required: Meeting Five Day Original, Oral Argument or Hearing Mr. Richard Paul, U.S. NRC, Region 3 799 Roosevelt Road Glen Ellyn, Illinois 60137

Deposition

Person Presiding at Meeting or Deposition Richard Paul

Board Chairman; Members

Type of Proceeding:

Pagination of transcript begins with page number SPECIAL INSTRUCTIONS:

Copies of the transcript may (may not) be sold. Transcript is not

Date of oral request: 2/19/84 for public sale.

Date of written confirmation: 2/19/84

By: Patricia A. Sullivan 301 634-3327

Administrative & Logistical Support Services Branch

cc: R. Paul, OI Contracts BOB

Blume

B/S

1/28/82  
DATE WORK RESUMED

ZACK STOP WORK SUMMARY  
LaSalle County Station

Summary  
For reference only

NOTE OF STOP WORK TYPE OF STOP WORK REASON FOR STOP WORK

7/22/77 ALL SAFETY RELATED WORK  
POOR QA PROGRAM IMPLEMENTATION  
POOR QC INSPECTIONS  
ZACK WELDING PROBLEMS  
POOR WORKMANSHIP - POOR INSPECTION

6/25/79 WELDING INSPECTION  
(CONAM WAS ASSIGNED TO DO 100% INSPECTION OF ZACK WELDS)

5/25/79 C.F.A.'S (SAFETY RELATED)  
SITE WAS STOPPED ON CEA'S UNTIL SPEC. REQUIREMENTS WERE CLARIFIED AND ZACK WROTE A PROCEDURE

4/2/80 ZACK RELEASE OF MATERIAL FROM ON-SITE STORAGE (RELEASE WAS MADE DEPENDENT ON CHECK BY CONAM OR CF)  
FAILURE OF ZACK CORPORATE TO PERFORM PROPER INSPECTION OF MATERIAL PRIOR TO SHIPPING TO LaSalle

8/6/80 SAFETY RELATED WELDING  
C.F.E CO QA TREND ANALYSIS SHOWED FAILURE TO:  
1) PROPERLY DOCUMENT & PERFORM Q.C. INSPECTIONS  
2) CONTROL NCR'S & FER'S  
3) DO REQUIRED AUDITS/SUPL.  
4) ADEQUATELY QUALIFY AUDITORS AND INSPECTORS

Release

9/27/77 (EXCEPT W/10 RESUMED 10-11-77)  
8/6/79

(11/3/79)

6/21/80

10/20/80

4600 W. 12TH PLACE • CHICAGO (CICERO) ILL 60650 • 312/242-3434  
4401 WESTERN • FLINT MICHIGAN 48506 • 313/736-2040



CUSTOM METAL FABRICATION

CORPORATE ORGANIZATION CHART  
(Attachment 1)

PRESIDENT

CHRISTINE  
ZACK  
DE ZUTEL

EXECUTIVE  
VICE  
PRESIDENT

J. C. DE ZUTEL

VICE  
PRESIDENT  
OPERATIONS

D. R. MALZAHN

PROJECT  
MANAGER  
MIDLAND

D. CALKINS

MANAGER  
COMMERCIAL

H. JUNG

MANAGER  
MARKETING

J. DE ZUTEL

MANAGER  
FINANCE

D. MALZAHN

BRANCH  
MANAGER

E. LIPP

MANAGER  
NUCLEAR

C.L. EICHSTAEDT

MANAGER  
QUALITY  
ASSURANCE

M. L. SKAT

Release  
B/17  
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• FOUNDED TO SOLVE THE UNIQUE METAL FABRICATION NEEDS OF INDUSTRY •  
• DEDICATED TO CLEANING AND CUSTOMIZING THE AIR OF THE WORLD •

POSITION CHARACTERIZATION OUTLINE

- I. TITLE
- II. DESCRIPTION OF DUTIES
- III. RESPONSIBILITIES
- IV. EXPECTATIONS
- V. QUALIFICATIONS
- VI. REMUNERATION/BENEFITS

- I. TITLE: Manager-Record Systems, Quality Assurance, Zack Co., Chicago and subsidiary client sites.
- II. DESCRIPTION OF DUTIES: To initiate and promulgate an effective records system for The Zack Co. and applicable clients in the realm of nuclear-related manufacturer-vendor-client field.
- III. RESPONSIBILITIES: Directly interface with the Quality Assurance Manager and related personnel in order to carry out the expected duties.
- IV. EXPECTATIONS: To be concerned with and be knowledgeable in all aspects of procurement, manufacturing, vendor identity, fabrication, sub-contracting and client acceptance in the nuclear industry. To become knowledgeable and proficient in Federal Regulatory Statutes as they relate to the commercial/nuclear industry.
- V. QUALIFICATIONS: Generalist with strong background in written and oral communication skills. BA/BS; MA/MS desirable but not mandatory. Ability to manifest leadership functions and substantial people control/orientation background essential.
- VI. REMUNERATION/BENEFITS: 35-45K depending on referential background and ninety-day trial period. Company paid expenses when applicable. Company paid life and medical insurance, five (5) sick days, six (6) paid holidays.

Release

B/S  
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12/10/1982

of & Technical      Stores Offices Financial      Stores Offices Financial      Stores Offices Financial

**BARBER T.L.**  
**EQUIPMENT**  
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**JAN**  
  
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**Administrative Secretary**  
THE EVERGREEN PARK facility of the MICHAEL REESE Health Plan, a leading health maintenance organization (HMO), is seeking an administrative secretary to manage the administrative support function. The individual will grant correspondence, schedule appointments, arrange meetings, and handle a variety of other administrative tasks. **CANDIDATE MUST** possess excellent judgment, decision-making ability, good verbal and written communications skills, and have demonstrated ability to manage an office or facility. In addition, applicants must have a minimum of 2 years of work and have good shorthand and or Dictaphone skills. Preferred candidates will be degreed and have experience in a health care environment. **WE CAN OFFER YOU:** excellent compensation and attractive benefits. For consideration, please send resume in confidence to: **MRS. NADIN B. TOEN, Personnel Manager, MICHAEL REESE HEALTH PLAN, 3011 S. Cottage Grove, Chicago, IL 60608.** Equal opportunity employer.

**BOOKKEEPER/ ADMINISTRATOR**  
High Growth Company offers opportunity for wide variety of Bookkeeping and administrative responsibilities and advancement.  
Initial duties will include Accounts Receivable, Insurance, Purchases and cash.  
Seeking well organized, energetic individual.  
**OAKBROOK LOCATION PLEASE BETWEEN 10:30AM & 12:30PM AMERICAN PAGING, INC. MR. JOHN GOENSE 853-3596**

**ADMINISTRATIVE ASSISTANT**  
High-growth Company offers opportunity for wide variety of Administrative responsibilities and advancement.  
Initial duties will include Telephone customer contact, Typing and inventory control.  
Seeking well organized, energetic individual.  
**OAKBROOK LOCATION Call between 8:30AM & 10:30AM AMERICAN PAGING, INC. MR. JOHN GOENSE 853-3610**

**EXECUTIVE SECRETARY**  
We are a general contracting construction management company with an executive secretary position available in our Corporate Office in Oak Brook. This is a demanding position for a person with minimum 3 years office experience. Good typing, bookkeeping and organizational skills a must, along with a pleasant and energetic personality. Salary commensurate with experience. Must be able to start immediately.  
**Apply in person I. C. Harbour Construction Co. 2215 York Rd., Suite 200 Oak Brook**

**DOCUMENT CONTROL/ RECORD MANAGEMENT**  
Immediate permanent Full Time openings at several levels.  
Strong Clerical aptitude and Filing experience required.  
Responsibilities will include Filing, indexing, Telephone contact with Vendors and interface with Manufacturing and Engineering personnel.  
Excellent opportunity for highly motivated Self Starting individuals.  
**Cicero Location CONTACT HOWARD McGRANE 656-0250 THE ZACK COMPANY**

B/9  
release

**LOAN PROCESSOR**  
A solid 13 years experience in a savings and loan banking mortgage area and they say for this career opening with our growing bank. We seek a well-organized person with moderate typing ability and superior communication skills. To coordinate file and post closing mortgage file administration. We conduct credit-employment confirmations and prepare a variety of documents.  
In addition to our convenient location, we offer a competitive salary and health benefits. For consideration, send resume or letter of application stating relevant and relevant job experience to:  
**Steve Putman River Forest Bank 7727 W. Lake St. River Forest, IL 60305**  
Equal opportunity employer.

**HINSDALE INSURANCE AGENCY**  
Part time mature woman. Life, accident and health experience. Necessary typing, answer phone, etc. Permanent. **1-4634**

**SST. SAVINGS & LOAN FOUN**  
in savings activities and communication skills. Qualified position with our growing association. We seek a career-minded individual with a good work attitude and ability to provide superior customer service.

**Marketing Communicators Earn While You Learn!**  
Right now we have several openings for ambitious individuals interested in learning about the insurance industry. During our paid 90-day training program you will learn