



Mudoc
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA -- 91-187

RESPONSE TYPE

FINAL

PARTIAL

DATE

NOV 15 1991

DOCKET NUMBER(S) (if applicable)

REQUESTER

Christine Zack

PART I. AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) G are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix(es) H are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. [App. H, and releasable portions of App. I documents are

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you. enclosed.]

Fees

You will be billed by the NRC for fees totaling \$ _____.

You will receive a refund from the NRC in the amount of \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.

PART II. A--INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

9207220323 911115
PDR FOIA
ZACK91-187 PDR

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donnie H. Brady

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)

FOIA NUMBER(S)

FOIA — 91-187

DATE

NOV 15 1991

PART II B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) I & J are being withheld in their entirety or in part under the Exemption No. (s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

<input type="checkbox"/>	1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)
<input type="checkbox"/>	2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)
<input type="checkbox"/>	3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)
<input type="checkbox"/>	Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
<input type="checkbox"/>	Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
<input type="checkbox"/>	4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)
<input type="checkbox"/>	The information is considered to be confidential business (proprietary) information.
<input type="checkbox"/>	The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
<input type="checkbox"/>	The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).
<input checked="" type="checkbox"/>	5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:
<input checked="" type="checkbox"/>	Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
<input checked="" type="checkbox"/>	Attorney work product privilege (Documents prepared by an attorney in contemplation of litigation.)
<input checked="" type="checkbox"/>	Attorney-client privilege (Confidential communications between an attorney and his/her client.)
<input checked="" type="checkbox"/>	6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)
<input checked="" type="checkbox"/>	7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)
<input checked="" type="checkbox"/>	Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))
<input checked="" type="checkbox"/>	Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))
<input checked="" type="checkbox"/>	The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))
<input type="checkbox"/>	OTHER

PART II C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
Ben B. Hayes	Director, Office of Investigations	1/1-1/16, 1/20, 1/25-1/30, J/1-J/5	X		
Bert Davis	Regional Administrator Region III	1/17-1/19, 1/21-1/24	X		

PART II D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in the following table. Such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an appeal from an Initial FOIA Decision.

Re: FOIA-91-187

APPENDIX G
DOCUMENTS ALREADY AVAILABLE IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	7/23/82	Affidavit of Charles Grant III. PDR Accession No. 8402100018
2.	4/18/83	Letter from Mary Sinclair to James Keppler. PDR Acc. No. 8307050111
3.	10/13/83	Memo from F. C. Hawkins to Region III Files, subject: Midland HVAC Allegations (Individual CC). PDR Acc. No. 8406020069
4.	10/26/83	Memo from F. C. Hawkins to Region III Files, subject: Update on Allegations Regarding Comstock, Bechtel and Zack Construction Activities at Midland (Individual Z). PDR Acc. No. 8408170274

Re: FOIA-91-187

APPENDIX H
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	Undated	Chronology of Events. (6 pages)
2.	7/19/82	Memo from James Lieberman to Robert Warnick, subject: Potential Enforcement Action, Zack Company (EA 82-95). (1 page)
3.	7/31/82	Memo from Robert Bosnak to Thomas Novak, subject: LaSaile/Zack Co. Allegations; HVAC System. (32 pages)
4.	8/23/82	Memo from A. Bert Davis to J. E. Foster, subject: Zack Investigation. (3 pages)
5.	10/6/82	Memo from Wayne Shafer to James Foster, subject: Mary Sinclair's Interrogatories on Contentions 6, 8, and 16 (Midland). (12 pages)
6.	11/3/83	Memo from R. L. Spessard to E. T. Pawlik, subject: Statements by a Former Midland Employee (Individual Z) of Potential OI Interest. (1 page)
7.	3/20/87	Memo from E. Pawlik to A. Bert Davis, subject: Administrative Closure of Case No. Q3-82-057: Midland Nuclear Power Plant - Alleged Improper Termination by Zack Company of Two Quality Assurance Employees for Reporting Deficiencies. (3 pages)

APPENDIX I
DOCUMENTS BEING RELEASED IN PART

NUMBER	DATE	DESCRIPTION
1.	4/20/82	Consumers Power Company Allegation Evaluation. (3 pages) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
2.	7/22/82	Memo from NRC Office of Investigations (OI) to NRC Region III, subject: Allegations Involving the Zack Company (OI-Chicago No. 3-82-25). (5 pages, 3 pages released in part) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
3.	8/12/82	Statement of individual. (7 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
4.	8/16/82	Memo from OI to Region III, subject: Department of Labor Discrimination Complaint Involving the Zack Company at the Midland Nuclear Power Plant. (1 page) Portions withheld pursuant to Exemptions 6 and 7(C).
5.	8/20/82	OI memo to the File, subject: Possible Inquiry or Investigation Into Termination of Zack Employees. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
6.	9/8/82	Letter to the NRC from a law firm. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
7.	9/29/82	Statement of individual. (4 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
8.	10/4/82	Memo from Region III to OI. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
9.	10/6/82	OI memo regarding investigation. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
10.	10/18/82	Statement of individual. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).

APPENDIX I
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
11.	10/16/82	Statement of individual. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
12.	10/18/82	Statement of individual. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
13.	10/13/82	Confidentiality Agreement signed by individual. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
14.	10/21/82	Statement of individual. (1 page) Portions withheld pursuant to Exemptions 6 and 7(C).
15.	10/28/82	Letter from OI to individual. (2 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
16.	12/6/82	Statement of individual. (5 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
17.	6/27/83	Letter to individual from NRC, with handwritten notes. (2 pages) Handwritten notes being withheld pursuant to Exemption 5.
18.	8/8/83	Letter from NRC to individual. (1 page) Portions withheld pursuant to Exemption 7(D).
19.	8/9/83	Memo from Region III to Office of Inspector and Auditor, subject: Statements by Former Zack Company Employees of Potential OIA Interest. (1 page) Portions withheld pursuant to Exemption 7(D).

APPENDIX I
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
20.	8/30/83	Memo from Region III to OI, subject: Statements by former Zack Employees of Potential OI Interest, with handwritten notes. (1 page) Notes withheld pursuant to Exemptions 6, 7(C) and 7(D).
21.	8/31/83	Memo from Region III to OIA, subject: Additional Statement by A Former Zack Company Employee of Potential OIA Interest, with handwritten notes. (1 page) Notes withheld pursuant to Exemption 7(D).
22.	9/26/83	Transcript of interview of individual. (73 pages) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
23.	6/29/84	Letter from NRC to individual. (1 page) Portions withheld pursuant to Exemption 7(D).
24.	7/12/88	Letter from NRC to individual. (1 page) Portions withheld pursuant to Exemption 7(D).
25.	Various	Copies of telephone messages and notes. (4 pages) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
26.	Undated	Memo from OI to the File, regarding proposed interview. (3 pages, 1 page released) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).
27.	Undated	Handwritten notes. (3 pages, 2 pages released) Portions withheld pursuant to Exemptions 6 and 7(C).
28.	Undated	Chronology - notes. (2 pages) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).

Re: FOIA-91-187

APPENDIX I
DOCUMENTS BEING RELEASED IN PART
(Continued)

NUMBER	DATE	DESCRIPTION
29.	Various	Handwritten notes, with attached company documents. (23 pages) Portions withheld pursuant to Exemptions 6 and 7(C).
30.	Various	Investigation Status Record. (1 page) Portions withheld pursuant to Exemptions 6, 7(C) and 7(D).

APPENDIX J
DOCUMENTS BEING WITHHELD IN THEIR ENTIRETY

NUMBER	DATE	DESCRIPTION
1.	8/21/82	Affidavit of individual. (8 pages) Exemptions 6, 7(C) and 7(D)
2.	Undated	Handwritten notes and interview. (25 pages) Exemptions 6, 7(C) and 7(D)
3.	Undated	Background information on individual. (2 pages) Exemptions 6, 7(C) and 7(D)
4.	Undated	Handwritten notes, attaching copy of 10/20/82 statement of individual. (7 pages) Exemptions 6, 7(C) and 7(D)
5.	Undated	Draft interview of individual, with handwritten notes. (5 pages) Exemptions 5, 6, 7(C) and 7(D)



4600 W. 12TH PLACE • CHICAGO ILL 60650 • 312/242-3434
4401 WESTERN • FLINT MICHIGAN 48506 • 313/736 2040
621 W WASHINGTON STREET • MORRISTOWN PA 19401 • 2-5279 9444
1300 MICHIGAN STREET • GARY INDIANA 46402 • 219 886-0661
601 MAYER STREET • BRIDGEVILLE PA 15017 • 412/221-4993

April 29, 1991

FREEDOM OF INFORMATION REQUEST

Director, Division of Freedom of Information
& Publication Services
Office of Administration
U.S.N.R.C.
Washington, DC 20555

CERTIFIED/RETURN RECEIPT
FREEDOM OF INFORMATION
ACT REQUEST

FOIA-91-187
Rec'd 5-7-91

Dear Sir:

This is a request under the provisions of the Freedom of Information Act for background information pertinent to investigations of the Zack Company done by the U.S.N.R.C.

The investigations in question started in 1982 and were performed by individuals representing Region 3, Region 4 and the Office of Investigations. These investigations are all now closed issues.

We are requesting all documentary, audio and/or video recordings that were created as a result of these investigations and form the back-up documentation of these investigations.

Please forward all such information to my attention at:
The Zack Company
4600 W. 12th Pl.
Cicero, IL 60650

Questions can be addressed to me at 312-242-3434.

Sincerely,

Raymond J. Basiaga
Quality Assurance Manager

cc: C. Zack
File

9703100300