

OFFICE OF THE INSPECTOR GENERAL  
U.S. Nuclear Regulatory Commission  
Memorandum of Interview

OIG Case No: 07-63

On February 14, 2008, David BARRY, President, Nuclear Division, Power Group, The Shaw Group, was interviewed by Special Agent <sup>(b)(7)c</sup> [redacted] Office of the Inspector General (OIG), NRC, regarding MERRIFIELD's search for post-government employment. BARRY provided essentially the following information:

BARRY stated that he had been in his current position with Shaw since March of 2006. Prior to that he had worked with Bechtel, primarily in the fossil fuels area and had no interaction with the NRC. In the 1970's and 1980's he had worked on the nuclear construction projects. At those times, he had worked with NRC staff, primarily resident inspectors and regional office staff. BARRY believed that he had met MERRIFIELD after BARRY had joined Shaw, most likely at the Regulatory Information Conference (RIC) in 2006, and that he also had seen him at various nuclear industry events. However, he had not had any discussions with MERRIFIELD.

BARRY indicated that he had no familiarity with any of MERRIFIELD's activities related to either the NRC's support to China on the AP1000 design or the Combined Licensing Task Force. BARRY noted that their company primarily provides engineering services to nuclear vendors and licensees, and those firms are the main interface with the NRC. Barry acknowledged that Shaw does have some involvement in Westinghouse's construction of nuclear power plants in China, but indicated that Westinghouse is the primary interface with the NRC on any related issues. With regards to the construction of new power plants in the United States, Shaw is beginning to participate with other industry elements in determining how they will address the various design and construction requirements; however this has not included interfacing with NRC staff. To BARRY's knowledge, no one in the Shaw Nuclear Division has been in contact with the NRC on these types of issues.

BARRY could not recall for certain how he learned MERRIFIELD would be leaving the NRC. He believed it may have been through a public announcement. BARRY could not recall when he learned of Maureen's departure, but indicated that Shaw has been in a growth mode since he arrived and they have been actively trying to recruit talent from the nuclear field. BARRY believed it was a question from Richard GILL, President, Shaw Power, who asked if BARRY thought MERRIFIELD might be of benefit to Shaw. BARRY did not recall when GILL raised the subject of MERRIFIELD, but believed it was likely in the spring of 2007. BARRY did not recall any specific meetings with MERRIFIELD or employment related discussions at the 2007 RIC. BARRY described the interaction at the RIC as "networking in general." He indicated that they may have attended some of the same conference dinners and functions as MERRIFIELD, but that these were large conference gatherings. BARRY did not know if GILL had other meetings with MERRIFIELD.

BARRY noted that GILL had the authority to unilaterally make hiring decisions and that he had handled such matters by himself. BARRY was unaware of any arrangements MERRIFIELD had made regarding his employment search and did not know that MERRIFIELD was using an attorney as part of his search process.

BARRY did not attend the NEA conference in Miami in May 2007. He recalls being generally aware that there were discussions going on with MERRIFIELD about his possible employment

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with Shaw at about this time, but he was uncertain of the exact dates and at the time, he was not informed about progress or results of the negotiations. At some point, he did become more aware, which he believed was normal during the hiring of key individuals. The offer to MERRIFIELD was made at the direction of GILL, and BARRY could not recall if he was coordinated with prior to the offer being made. BARRY could not recall any conversations about the offer prior to it being made. He noted that Shaw human resources personnel might handle the details, but not without an explicit "go-ahead" from senior Shaw executives; however BARRY denied that he was one who provided that approval.

BARRY could not recall MERRIFIELD's visit to Shaw in June 2007. He stated that there were a lot of individuals joining Shaw at the time. He indicated that by the time MERRIFIELD visited Shaw, the recruitment process was already over and it was BARRY's understanding that he had already accepted the position. BARRY described this visit as "bringing him into the fold." BARRY was not certain when MERRIFIELD actually began working at Shaw, but acknowledged that August 20, 2007, seemed to be correct.

BARRY did not feel that there was ever any indication of any impropriety regarding the recruitment process and the hiring of MERRIFIELD. He felt that there was no foundation for any allegations of a "payback" for actions by MERRIFIELD while an NRC Commissioner, nor any other aspects of a conflict of interest.

Interviewed by Special  
MOI Prepared on Feb  
MOI Reviewed by/on:

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