

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

OIG Case No: 07-63

On November 23, 2007, Roger DAVIS, Legal Advisor, Office of Chairman KLEIN, U.S. Nuclear Regulatory Commission (NRC), 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. DAVIS provided essentially the following information:

DAVIS indicated that during the 2007 NRC Regulatory Information Conference (RIC), NRC Chairman Dale KLEIN related to him a conversation KLEIN had with Steven CREAMER, CEO of Energy Solutions. CREAMER had indicated that he had spoken with Jeffery MERRIFIELD and MERRIFIELD had asked if CREAMER had contacted his agent assisting with his employment search. CREAMER responded "no," to which MERRIFIELD asked "why not?" DAVIS was not present during either of these conversations.

DAVIS stated that KLEIN had informed him of this conversation to solicit his legal advice regarding the propriety of MERRIFIELD's comments to CREAMER. DAVIS indicated that he carefully reviewed conflict of interest regulations, and that although he found MERRIFIELD's tactics to be "aggressive," he did not believe it was a violation of law or regulations. DAVIS also consulted with Karen CYR, General Counsel, NRC, who concurred with his opinion. DAVIS did not discuss this matter any other individuals, including MERRIFIELD or his <sup>(b)(7)c</sup> [redacted]

<sup>(b)(7)c</sup> [redacted] DAVIS indicated that during this time, there were no actions before the Commissioners involving Energy Solutions or its predecessor organization, Envirocare.

DAVIS vaguely recalled that he spoke with someone from MERRIFIELD's office regarding his participation on a Staff Requirements Memorandum (SRM) vote. The staff was not sure if the Commissioner could vote on a particular matter or not. However, DAVIS could not recall which SRM this was or what the matter this related to. He could not recall which member of MERRIFIELD's staff he had spoken with.

DAVIS was aware of no other instances of concern related to MERRIFIELD's job search. DAVIS noted that the Commissioners deal with general policies and topics, and rarely deal with specific actions which might pose a direct conflict of interest.

DAVIS indicated that he had never considered whether a Commissioner's staff could complete an action if the Commissioner had been forced to recuse himself. He had not discussed this issue before and had never really thought about the concept.

DAVIS indicated that he did not really know very much about MERRIFIELD's arrangement with an attorney to serve as his agent in his post-government employment search. DAVIS never read anything about the arrangement. DAVIS indicated that MERRIFIELD shared very little information about the progress of his employment search and that he had known nothing about MERRIFIELD's position with The Shaw Group, Inc., until it was publicly announced. DAVIS believed KLEIN had also known nothing.

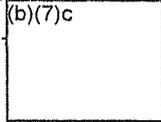
Interviewed by Special Agent [redacted]

B/12  
12

MOI Prepared on November 28, 2007

MOI Reviewed by/on:

(b)(7)c



*SPR 02*

