

OFFICE OF THE INSPECTOR GENERAL
U.S. Nuclear Regulatory Commission

Memorandum of Interview

OIG Case No: 07-63

On February 8, 2008, James A. FICI, Senior Vice President, Customer Relationships and Sales, Westinghouse Electric Company, was interviewed by Special Agent ^{(b)(7)c} [redacted] Office of the Inspector General (OIG), U.S. Nuclear Regulatory Commission (NRC), regarding MERRIFIELD's search for post-government employment. Also present during this interview was James A. BUDDIE, Assistant General Counsel, Westinghouse Electric Company. FICI provided essentially the following information:

FICI indicated that since 2003, he has had very limited dealings with the NRC, and that his position has required him to deal primarily with industry customers. However, prior to 2003, he served as a Senior Vice President within the fuels section. In that position, he did have more interaction with the NRC. He indicated that he, along with other senior Westinghouse executives, had interaction with the senior NRC staff. He noted that annually they would make a visit to all of the Commissioners, and that they would have interaction through various industry functions and conferences. He indicated that some of the interaction with the Commissioners occurred in conjunction with Westinghouse's participation in industry groups (such as the Nuclear Energy Institute - NEI). FICI had no interaction with MERRIFIELD on the NRC's support to the Chinese Regulators on the AP1000 design or knowledge of MERRIFIELD's involvement in the Combined Licensing Task Force (COL TF).

FICI could not remember when he learned that MERRIFIELD would be leaving the NRC, but believed the notification probably came through an industry publication. FICI believes that TRITCH subsequently also mentioned his departure. TRITCH indicated to FICI that they should consider hiring MERRIFIELD for Westinghouse. FICI believed this conversation occurred shortly before MERRIFIELD was invited to Westinghouse on June 1, 2007. FICI participated in no conversations or meetings with MERRIFIELD prior to the June 1, 2007. FICI was in China on June 1 and did not participate in MERRIFIELD's visit. However, he learned that it had been determined that FICI's section would be the best fit for MERRIFIELD.

FICI indicated that TRITCH had a phone conversation with MERRIFIELD subsequent to the visit and MERRIFIELD had indicated continuing interest in employment with Westinghouse. TRITCH then asked FICI to call MERRIFIELD and set up a meeting with him, since it was likely that MERRIFIELD would be working for FICI. FICI did call MERRIFIELD and they arranged to meet at Westinghouse's offices in downtown Washington, DC. FICI was uncertain when this meeting occurred, but was certain that it occurred before the offer letter was sent out on June 13, 2007. The meeting occurred in the late morning, and lasted approximately one hour. The meeting was not conducted over lunch, and no meals were provided in conjunction with this meeting. During the meeting, they did not have discussions about activities he had worked on with the NRC. Their primary discussion topic was what MERRIFIELD would be doing if he accepted the position with Westinghouse.

FICI felt that MERRIFIELD would be a good fit for his office, although he acknowledged it would have little to do with his previous role as a Commissioner. MERRIFIELD indicated that he was interested in a position where he could be involved in business development.

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Based on his favorable impression from the interview, he informed TRITCH and then coordinated with the Westinghouse human resources section to have the offer sent. FICI indicated that he had no contact for about a week following the offer. FICI could not recall exactly when he next spoke with MERRIFIELD, but indicated it occurred when he was on travel to a conference in Frankfurt, Germany. FICI telephoned MERRIFIELD who indicated that he had decided to pursue another opportunity. MERRIFIELD stated that it had not been made public, but that he felt he could tell FICI he had decided to accept a position with The Shaw Group. FICI had been unaware that MERRIFIELD was also negotiating with Shaw.

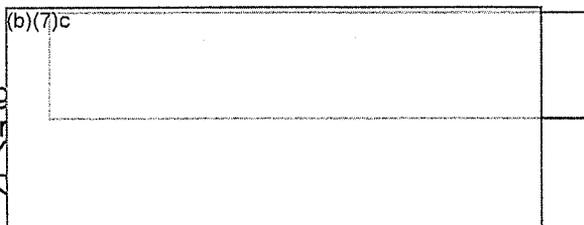
FICI was not aware of other firms which might have been pursuing MERRIFIELD. FICI believed that he had been told that MERRIFIELD may have also been in discussions with General Electric, but FICI did not know this for certain.

FICI indicated that he did not feel any undue to pressure to hire MERRIFIELD. FICI was concerned that their compensation package might not be sufficient to attract him. FICI was not aware of any indications of any inappropriate activities related to the employment negotiations with MERRIFIELD. He never received any comments from others about potential signs of impropriety.

Agent Note: Following the conclusion of the interview, FICI checked his personal calendar and determined that the telephonic conversation with MERRIFIELD in which he learned he declined the position occurred on either June 27 or 28, 2007. This information to OIG via e-mail on February 8, 2008.

Interviewed by Special Ag
MOI Prepared on Februar
MOI Reviewed by/on:

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