

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

Memorandum of Interview

OIG Case No: 07-63

On November 14, 2007, Gregory B. JACZKO, Commissioner, U.S. Nuclear Regulator Commission (NRC) was interviewed by Special Agents (SA) (b)(7)c and (b)(7)c Office of the Inspector General (OIG), NRC, regarding former Jeffrey MERRIFIELD's post government job search. JACZKO provided essentially the following information:

JACZKO stated that he first learned of MERRIFIELD's plans to leave government service and begin looking for employment at approximately the time of his public announcement about not seeking a third term. JACZKO had no real direct discussions with MERRIFIELD about his job search. MERRIFIELD had indicated that he had an attorney handling the process, which JACZKO believed was to protect MERRIFIELD from potential conflicts of interest. JACZKO believed that following MERRIFIELD's announcement that he was leaving government service, job offers would be coming in. This arrangement would allow him to remain an active and involved Commissioner and not require him to recuse himself.

JACZKO had casually asked MERRIFIELD what he wanted to do following his government service, but MERRIFIELD never really answered. JACZKO believed that MERRIFIELD wanted to stay in government service, but noted that it was difficult for someone who had been at the level of a Commissioner to move to another position. He believed that MERRIFIELD wanted to obtain an undersecretary or deputy secretary level position in another agency, but that MERRIFIELD was "not a favorite" with the current administration and had likely not been offered any such post. JACZKO had speculated that he would most likely end up at a University.

JACZKO was not aware of any recusals made by MERRIFIELD on any issues before the Commission. JACZKO never thought that there was an issue from which MERRIFIELD should recuse himself. He felt that the issues that the Commissioners dealt with were relatively generic policies which impacted the industry as whole, not specific companies. Since there had been no issues affecting specific licensees, JACZKO felt that there had been no conflicts of interest. JACZKO also noted that MERRIFIELD did not have any specific issues that he had wanted to complete as a Commissioner before he left government service.

JACZKO learned of MERRIFIELD's position with The Shaw Group, Inc. when it was publicly announced shortly after the end of this term. JACZKO acknowledged that he was not familiar with Shaw prior MERRIFIELD's public announcement. JACZKO subsequently learned that Shaw had purchased a portion of Westinghouse.

JACZKO stated that MERRIFIELD liked to lead initiatives and that he had done so on various occasions throughout his tenure with the NRC. JACZKO felt that the Combined License (COL) task force had not accomplished certain things that MERRIFIELD had supported. He noted that MERRIFIELD had made it a point that the task force was the work of selected experts from the staff, and not solely his efforts or ideas. Therefore, some of the concepts and proposals that MERRIFIELD had supported did not make it

B/9

9

into the task force's final report. These included items such as changes to environmental impact statement processes and the elimination of certain mandatory hearing processes.

JACZKO indicated that he (b)(7)c

(b)(7)c As a result, he had not spoken much with MERRIFIELD as the Commission vote on the task force report was occurring. JACZKO also indicated that differences between their respective positions were pretty well known to each other and that he believed MERRIFIELD may have discussed the task force recommendations with other Commissioners more. JACZKO believed he may have discussed the subject on one or two occasions with MERRIFIELD, likely during their normal one-on-one sessions, but he could not recall specifically.

JACZKO commented that MERRIFIELD was consistently "sensitive to industry interests" throughout his tenure. By contrast, JACZKO commented that he was generally more in line with the public interest groups. MERRIFIELD exhibited no behavior during his last several months which was not consistent with the patterns he had exhibited throughout his career. JACZKO did not believe MERRIFIELD had cast any vote in a manner to further his opportunities to obtain future employment.

JACZKO could not recall much about MERRIFIELD's involvement in the completion of agreements of cooperation with China. Much of this activity was conducted by the Commission during May 2007, and JACZKO's involvement in this issue was also significantly reduced because of the (b)(7)c JACZKO recalled that he had been contacted by his staff asking for his vote while he was on leave. Although JACZKO had some reservations about voting so quickly on this issue, he noted that this was part of a broader government foreign policy effort. JACZKO also noted that MERRIFIELD enjoyed the ceremonial aspects of being a Commissioner and was not surprised that MERRIFIELD was selected to sign the agreement on behalf of the NRC at a formal ceremony with Chinese representatives in the Chairman's absence.

Interviewed by (Special Agent (b)(7)c  
Special Agent

MOI Prepared on November 14, 2007

MOI Reviewed by/on: (b)(7)c Nov 14, 07