

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

OIG Case No: 07-63

On December 3, 2007, Peter B. LYONS, Commissioner, U.S. Nuclear Regulatory Commission (NRC), was interviewed by Special Agents (SA) (b)(7)c Office of the Inspector General (OIG), NRC, regarding former Jeffrey MERRIFIELD's post government job search. LYONS provided essentially the following information:

LYONS indicated that he could not recall how he was initially made aware of MERRIFIELD's post-government employment-search arrangement. He understood that the arrangement meant that MERRIFIELD would have a 3rd party agent address any and all negotiations with potential employers, and that MERRIFIELD would be "hands off" and take no part in the employment search process until his term ended. LYONS did not know who the 3rd party was or any of the details of their arrangement. By setting up this arrangement, MERRIFIELD would have no limitations on his ability to continue to discharge the functions of a Commissioner. LYONS knew of no recusals by MERRIFIELD.

LYONS did not know of any of the companies which MERRIFIELD had been in discussion or negotiations with. LYONS indicated that MERRIFIELD was "extraordinarily careful" about not discussing potential employers with him or other NRC members. LYONS asked MERRIFIELD if he planned on staying in the area following the end of his term and replied only that he probably would not.

LYONS noted that MERRIFIELD had indicated he would be on a family vacation after his term ended. In fact, LYONS believed MERRIFIELD began his vacation on approximately June 21, 2007. LYONS knew that MERRIFIELD had not been present the final week of his term, which LYONS found unusual since previously departing Commissioners usually had votes to complete at the very end of their term.

LYONS indicated that one of MERRIFIELD's primary responsibilities in the months prior to the end of his term was heading the Combined Licensing (COL) task force. MERRIFIELD and Edward McGAFFIGAN were chosen to jointly head the task force, but McGAFFIGAN was unable to do so because of his health. MERRIFIELD and LYONS spoke about the COL task force's recommendations on numerous occasions, frequently during their weekly one on one meetings. LYONS noted that he disagreed with some of the task force's recommendations and that MERRIFIELD would express his support for the recommendations. This occurred both before the applicable SECY documents were issued to the staff, and up until the vote was completed shortly before the end of MERRIFIELD's term.

LYONS did not recall MERRIFIELD's role in the Commission's approval of a Memorandum of Cooperation with China on the AP1000 design. The vote for the Memorandum was unanimous among the Commissioners. LYONS noted that having one of the other Commissioners stand in for the Chairman at official signings was not a notable incident, and that he had also done so on occasion when the Chairman was unavailable.

LYONS acknowledged that he did not know MERRIFIELD prior to coming to the NRC. However, he believed that MERRIFIELD's actions and positions over the last few months of his term were consistent with positions and philosophies he had espoused throughout his tenure.

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

MOI Prepared on December 3, 2007

MOI Reviewed by/on: (b)(7)c
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