

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

Memorandum of Interview

OIG Case No: 07-63

On October 4, 2007, (b)(7)c Office of Commissioner MERRIFIELD (OCM), U.S. Nuclear Regulatory Commission (NRC) was interviewed by (b)(7)c Special Agents (SA) (b)(7)c and SA (b)(7)c Office of the Inspector General (OIG), NRC.

(b)(7)c provided essentially the following information.

(b)(7)c stated that she was on MERRIFIELD's staff for his entire tenure as a Commissioner. (b)(7)c was responsible primarily for handling MERRIFIELD's schedule, arranging meetings and travel. She said (b)(7)c OCM, handled more of the paperwork in the office, such as managing the office files, handling the mail and preparing the Commissioner's voting paperwork.

(b)(7)c stated that she began (b)(7)c during September 2006, and did not return to the office until approximately the first week of January 2007. (b)(7)c filled in for (b)(7)c during her absence. (b)(7)c did not have much contact with the office during her absence, other than to answer some minor questions from (b)(7)c

(b)(7)c did not learn of MERRIFIELD's intention to leave government service until her return from leave in January 2007. She believed that she was informed by John THOMA, Chief of Staff, OCM. (b)(7)c believed that it was not until approximately April 2007 that she was told about MERRIFIELD's arrangement with attorney Steve ENGELMYER. (b)(7)c stated that ENGELMYER was a "familiar name," and estimated that he may have called "once every couple of weeks," with a slightly greater frequency towards the end of MERRIFIELD's term. (b)(7)c said she would notify MERRIFIELD ENGELMYER called when MERRIFIELD was present, and pass ENGELMYER on to THOMA when MERRIFIELD was not. (b)(7)c was not sure when the calls from ENGELMYER began, but believed it was approximately in February or March 2007, about the same time that MERRIFIELD performed international travel.

(b)(7)c emphasized that she only scheduled and managed activities related to MERRIFIELD's official duties, not items related to his personal life.

(b)(7)c stated that MERRIFIELD received numerous of calls from industry representatives throughout his tenure. In general she was not informed of the topic of the call. She noted that the volume of calls was considerable throughout his terms, and she did not notice any difference in volume of calls during the period when he was looking for post-government employment. (b)(7)c also saw no change in MERRIFIELD's frequency of travel during the final months of his term.

(b)(7)c recalled that THOMA told her that if anyone from one company called (b)(7)c was to forward the calls to him. (b)(7)c was not certain of the company named by THOMA, but she was fairly certain it was Westinghouse. THOMA, nor anyone else including MERRIFIELD, ever gave (b)(7)c a written list of companies that MERRIFIELD

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was dealing with regarding prospective employment. (b)(7)c said she never had any conversations with MERRIFIELD regarding his job search.

(b)(7)c stated that she did not see much of the mail or written correspondence which came into the office; that was the responsibility of (b)(7)c. Additionally, (b)(7)c indicated that the staff did not open mail addressed to MERRIFIELD which was marked personal, addressee only, etc. MERRIFIELD opened those items personally.

(b)(7)c stated that JMER@nrc.gov was the personal e-mail address for MERRIFIELD. The office staff did not have read or write permissions on this e-mail account. However, the staff did have the ability to view his electronic calendar.

(b)(7)c was not aware that MERRIFIELD was taking a job with The Shaw Group, Inc., until after he departed the NRC. (b)(7)c recalled that on a day shortly after June 30, 2007, MERRIFIELD took the office staff to lunch, and told them about the job at that time.

(b)(7)c also recalled that she had scheduled a one-on-one meeting for MERRIFIELD with representatives from Shaw during the NRC's Regulatory Information Conference. She believed the meeting would have been recorded in MERRIFIELD's calendar and that it occurred on approximately March 6 to 8, 2007. MERRIFIELD also met with representatives from other companies, and that sometimes the meetings were held between sessions. Technical Assistants would sometimes accompany MERRIFIELD to these meetings, but (b)(7)c did not know which meetings they attended.

(b)(7)c stated that 301-415-1850 was the office phone number used when individuals were attempting to call the office staff. 301-415-1855 was another office phone number answered by the office staff, but most callers to this number were trying to reach MERRIFIELD. The number 301-415-1851 was MERRIFIELD's personal phone line in his office. The office fax number was 301-415-1853. MERRIFIELD had an NRC issued cell phone, and an NRC provided telephone line at his residence (703-960-3972).

(b)(7)c stated MERRIFIELD knew how to operate the office fax machine and she had seen him fax items himself. (b)(7)c recalled seeing no faxes regarding MERRIFIELD's job search. However, she indicated that she rarely looked at the content of the faxes and only looked at to whom the fax was addressed.

(b)(7)c indicated that she had no knowledge of the rules related to the search for post-government employment, and that she received no training on the subject. The only instructions she claimed to have received were to tell "nosey" NRC staff members that she did not know anything about MERRIFIELD's job search. (b)(7)c added that this was easy because she did not know anything. (b)(7)c was not privy to any conversations about MERRIFIELD's job search. She felt that perhaps THOMA or Spiros DROGITTIS, Chief of Staff, OCM, may have had more knowledge as they were probably his closest confidants.

(b)(7)c stated that as far as she could tell, MERRIFIELD's maintained "business as usual" up until about two weeks before the end of his term. At that point, the staff began to prepare for closing the office.

(b)(7)c

Interviewed by Special Agent  
Special Agent

MOI Prepared on October 10, 2007

MOI Reviewed by/on:

(b)(7)c

13 Oct 07