

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

Memorandum of Interview

Case No: 07-63

On August 13, 2008, John SZABO, Ethics Attorney, Office of the General Counsel was interviewed by (Special Agents (SAs) (b)(7)c) Office of the Inspector General (OIG), U.S. Nuclear Regulatory Commission (NRC), regarding a potential conflict of interest by a former NRC Commissioner. SZABO provided essentially the following information.

SZABO explained that Form 278 (Public Financial Disclosure) should be completed annually by May 15 for the previous calendar year. If staff members required to complete the form are unable to do so by May 15, an extension can be requested up to 45 days. SZABO stated that Jeffrey MERRIFIELD, former NRC Commissioner, was required to complete Form 278. Prior to MERRIFIELD's departure from the NRC, MERRIFIELD requested an extension since he would not be seeking a third term as a Commissioner. MERRIFIELD completed and submitted Form 278 on July 3, 2008. SZABO stated that MERRIFIELD was required to report any employment arrangements or agreements that he negotiated either in writing or verbally on the Form 278 under Schedule C-Part II even if the terms of the arrangement or agreement have not been settled. Furthermore, MERRIFIELD was required to report any gifts and/or travel expenses on the Form 278 under Schedule B-Part II.

SZABO told (SA's (b)(7)c) and (b)(7)c that he worked directly with John THOMA, NRC, to assist in determining specific activities MERRIFIELD would be prohibited from participating while he was actively negotiating future employment. In addition, SZABO said that he helped MERRIFIELD draft a general recusal letter. SZABO had no knowledge of MERRIFIELD negotiating employment with General Electric (GE) or submitting a recusal memorandum to GE. Also, SZABO had no knowledge of MERRIFIELD negotiating employment with Westinghouse, Holtec, Progress Energy, or The Shaw Group. SZABO learned of MERRIFIELD's employment with The Shaw Group three weeks prior to MERRIFIELD departing the NRC.

SZABO believed that if MERRIFIELD was negotiating with licensees, MERRIFIELD should have prepared a letter of recusal. However, MERRIFIELD was not required to show his letter of recusal to anyone. It was MERRIFIELD's decision to issue a recusal memo or not and whether to give a copy of the memo to his staff.

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

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

MOI Prepared on August 20, 2008

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

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