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OFFICE OF THE INSPECTOR GENERAL

U.S. Nuclear Regulatory Commission

MEMORANDUM OF INTERVIEW

OIG Case No: 07-63

On March 17, 2008, John THOMA, Office of the Chairman (OCM), U.S. Nuclear Regulatory Commission (NRC) was interviewed by Special Agents (SA) ^{(b)(7)c} and SA ^{(b)(7)c} _{(b)(7)c} Office of the Inspector General (OIG), NRC. THOMA provided essentially the following information.

THOMA could only recall one instance where he was aware that MERRIFIELD travelled to conduct an employment interview with a prospective employer. This travel occurred at the end of a trip in June 2007 in which THOMA and MERRIFIELD travelled first to Idaho to visit the Idaho National Laboratory (INELL) and to attend a nuclear conference in Cour D' Alene. At the end of the trip, MERRIFIELD travelled by himself at his own cost to New York, and he told THOMA this was for an interview. THOMA could not recall the company which he interviewed with.

THOMA admitted to accepting a meal provided by a Holtec employee during the stay in Cour D' Alene, ID. THOMA indicated that following the conference, there was a social as part of the conference in which hors d'oeuvres were served. However, following that, MERRIFIELD suggested that they go get dinner. As they got off the elevator, they ran into several individuals who MERRIFIELD seemed to know. THOMA recalled that one was with Holtec, and the other was with another nuclear industry. This individual also had his wife present. THOMA acknowledged that the meal definitely exceeded the \$20 amount NRC employees were allowed to accept. He remarked that in addition to the meal, several bottles of wine were ordered for the table. THOMA acknowledged that the Holtec employee appeared to pay for the meal, and that he did not attempt to pay or reimburse the individual for his portion. THOMA recalled that there were about 6 to 8 individuals at the table, and that he did not specifically see MERRIFIELD's actions regarding the check, but believed MERRIFIELD did not pay either. THOMA did not discuss the payment for this meal with MERRIFIELD.

THOMA acknowledged that accepting this meal was not appropriate under the NRC rules regarding acceptance of gifts. THOMA explained his actions by insisting that this was at the end of a long day and he was mostly concerned with going to bed as well as trying not to be impolite about insisting to repay. Additionally, THOMA explained that there had been an issue with his and MERRIFIELD's hotel rooms and that in error they had been placed in inferior rooms. When they went to check out, THOMA learned that the hotel had provided the rooms without charge. THOMA stated that he had assumed that perhaps the restaurant bill had been placed on the overall hotel bill and also covered by the hotel as part of the room error. However, THOMA acknowledged he had never provided his room number during the meal to a waiter or anyone else which would have likely been required to place the charge on his hotel room bill.

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THOMA stated that he did not frequently travel with MERRIFIELD, and could not recall any other instances where MERRIFIELD or he may have accepted a meal inappropriately. However, THOMA indicated he could not absolutely rule out the possibility of other instances where he might have received a meal inappropriately. THOMA did not raise the issue of this meal with any other staff members, to include (b)(7)c

THOMA did not recall any travel by MERRIFIELD to North Carolina, Louisiana, or Pittsburgh, PA, although he acknowledged that MERRIFIELD might have done so during his last two weeks of his term. However, this was only speculation on THOMA's part and was based on MERRIFIELD being on leave for several days during the final weeks of his term.

THOMA believed that MERRIFIELD could accept travel or reimbursement for his expenses associated to travelling to an employment offer, so long as the employment discussions were on his own time. However, THOMA was not certain about the rules and indicated that MERRIFIELD would have had to discuss the issue with SZABO to get the best answer. THOMA never spoke about this issue with either MERRIFIELD or with (b)(7)c

THOMA was familiar with the Public Financial Disclosure Form (SF-278). He recalled that the members of MERRIFIELD's office had been given an extension by OGC so that only a termination form needed to be filed at the end of MERRIFIELD's term, June 2007. THOMA never saw or reviewed MERRIFIELD's SF-278. MERRIFIELD never discussed his SF-278 with THOMA. THOMA did recall that MERRIFIELD was working on his SF-278 prior to his departure. THOMA believed that (b)(7)c may have typed the form for MERRIFIELD, but doubted that she would have provided any input on the content. THOMA also believed that MERRIFIELD would have double checked the figures before he signed the document. THOMA was not certain if or when MERRIFIELD provided his SF-278 to OGC.

Interviewed by (Special Agent
Special Agent

MOI Prepared on March 20, 2
MOI Reviewed by/on: _____

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