

December 19, 2007

MEMORANDUM TO: Chairman Klein  
Commissioner Jaczko  
Commissioner Lyons

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: POLICY AND PROCEDURES FOR IMPLEMENTATION OF  
AUTHORITY TO WAIVE PENSION OFFSET

In response to Staff Requirements Memorandum, COMDEK-07-0005, "FY 2009 Budget Proposal," dated August 31, 2007, the staff has prepared the enclosed memorandum which updates and clarifies guidance about the policy and procedures for implementation of NRC's authority to waive pension offset.

The guidance was revised based on questions raised through Chairman Klein's October 2, 2007, memorandum, "Use of Pension Offset Waiver Authority," advice from the Federal Employees Pay Comparability Act Senior Management Review Panel, input from the executives participating in the Senior Leadership Meeting in November of this year, and recommendations from the staff of the Office of Human Resources.

Section 624 of the Energy Policy Act of 2005 (EPAAct) authorized the NRC to eliminate pension offset, on a case by case basis, for the reemployment of a Federal civilian retiree in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists. The EPAAct also required that the NRC establish procedures for the exercise of this authority, including the criteria and procedures for any delegation of the authority.

This guidance is intended to help ensure that NRC uses its authority prudently to meet agency needs in accordance with the criteria provided in EPAAct, develops strategies to fill its needs long term, and uses the authority as an incentive for individuals to return to employment rather than as an incentive to retire. The guidance also clarifies and provides examples of existing interpretations of an "emergency," adds general guidelines for the appropriate duration of appointments, and requires that a person be retired before the request for re-employment is submitted.

I will issue the memorandum as soon as the Commission signifies its approval.

SECY, please track.

Enclosure: As stated

cc: SECY  
OGC  
OCA  
OPA  
CFO

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