

December 5, 2006

The Honorable Heather Wilson  
Member, United States House of  
Representatives  
20 First Plaza NW Suite 603  
Albuquerque, NM 87102

Dear Congresswoman Wilson:

In your letter dated October 6, 2006, you requested additional information regarding the decision of the U.S. Nuclear Regulatory Commission (NRC) to withdrawal an offer of employment made to (b)(6) (b)(6) account of the events is generally accurate; however, I would like to offer the following additional information.

First, the NRC did follow usual Human Resources practices and regulations in this instance. Agencies may withdraw offers of employment under a wide range of circumstances, including situations such as this where an office reorganization renders a position unnecessary. In this case, the Office of Nuclear Material Safety and Safeguards (NMSS) was reorganized effective October 1, 2006. This reorganization resulted in the NMSS office being split and a second office, Office of Federal and State Materials and Environmental Management Programs (FSME), being created. The position that (b)(6) was originally offered within NMSS, Advisor for Organizational Effectiveness, was a position devoted to making the varied functions within NMSS work cooperatively on a strategic level. When NMSS was reorganized and many functions turned over to the new FSME office, the Office Director for FSME decided the position as described was not needed in his organization. (b)(6) was subsequently offered a position of Program Analyst in the organization of FSME. This was a position in the same occupational series and pay grade, and required the same qualifications, as the original position he had been offered.

At the time the FSME Office Director decided that the Advisor for Organizational Effectiveness position was no longer needed (b)(6) had already started his house hunting trip. Staff members from FSME and HR explained the situation to (b)(6) and discussed the possibility of a Program Analyst position at the same grade and pay. He said that a Program Analyst position was not acceptable. He was understandably upset about the change in position and also concerned over the fact that he had already spent money on the house hunting trip. After discussing the possible Program Analyst position, (b)(6) told the Human Resources representative to send him a letter withdrawing the offer as Advisor for Organizational Effectiveness. (b)(6) has been reimbursed for his house-hunting expenses.

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We regret the timing of events regarding the reorganization and the impact this change had on the position (b)(6) was originally offered. However, the Agency acted in good faith when it determined that the position was no longer needed, and in offering another position to (b)(6) for which he was qualified at the same grade and pay.

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I hope this additional information helps clarify the issues.

Sincerely,

/RA/

Luis A. Reyes  
Executive Director  
for Operations