

POLICY ISSUE NOTATION VOTE

October 6, 2003

SECY-03-0172

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: REIMBURSEMENT OF THE TRAVEL EXPENSES OF
INDIVIDUALS REQUESTED TO ATTEND A PREDECISIONAL
ENFORCEMENT CONFERENCE

PURPOSE:

To provide the Commission with the results of the staff's evaluation regarding the feasibility and cost of reimbursing a whistleblower's travel expenses related to attending a predecisional enforcement conference (PEC) and to provide recommendations to the Commission.

BACKGROUND:

On March 26, 2003, the Commission issued a Staff Requirements Memorandum for SECY-02-0166, "Policy Options and Recommendations for Revising the NRC's Process for Handling Discrimination Issues." One of the actions recommended by the Discrimination Task Group (DTG) and endorsed by the Commission was a determination of the feasibility of reimbursing the travel expenses of the whistleblower and a personal representative to attend a PEC. A personal representative was considered by the DTG to be someone the whistleblower desires at the PEC to provide support (i.e., a spouse, other family member, close friend, or attorney).

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DISCUSSION:

The staff identified that the existing process in Management Directive 14.1, "Official Temporary Duty Travel," allows for reimbursement of the whistleblower's travel expenses when the individual is performing a direct service to the government, generally referred to as invitational travel. Since the staff is requesting the whistleblower's presence at the PEC to assist the staff in determining the facts of the case, invitational travel is appropriate.

However, the Federal Travel Regulations do not allow a federal agency to reimburse expenses incurred by individuals who are not providing a direct service to the government. Consequently, the staff will not be able to reimburse a whistleblower's personal representative.

The staff's travel cost estimate is approximately \$4,000 per year, based on 8 PECs and \$500 per PEC. These travel funds are not presently included in the Office of Enforcement budget.

The staff plans to develop implementation guidance to be included in the Enforcement Manual and guidance for the whistleblower.

COORDINATION:

The Office of General Counsel (OGC) is of the opinion that the NRC may issue invitational travel orders and reimburse the travel expenses of a whistleblower asked to attend a PEC if it is determined that the whistleblower's presence at the conference constitutes a direct service to the government. However, based on the current state of law, OGC does not believe the NRC has the authority to reimburse the travel expenses of a personal representative of the whistleblower.

RECOMMENDATION:

The staff recommends that the Commission reimburse whistleblowers for travel expenses related to attending a PEC.

/RA/

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| OFC | OE | | DD/OE | | D/OE | | OGC | |
| NAME | DStarkey | | JLuehman | | FCongel | | DHassell | |
| DATE | 9/22/03 | | 9/23/03 | | 9/23/03 | | 9/23/03 | |
| OFC | DEDR | | EDO | | | | | |
| NAME | SCollins | | WTravers | | | | | |
| DATE | 10/03/03 | | 10/06/03 | | | | | |

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