UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

August 21, 2006

Mr. Stephen Fyfitch
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: WITNESS FEES AND TRAVEL EXPENSES

Dear Mr. Fyfitch:

Witnesses summoned by subpoena must be paid the fees and mileage paid to witnesses in the district courts of the United States by the party at whose instance they appear. Since the U.S. Nuclear Regulatory Commission (NRC) is requiring your attendance to give testimony at a deposition as specified in a subpoena dated August 10, 2006, the Energy Reorganization Act of 1974 allows us to reimburse you for certain travel expenses. However, please be aware that the NRC will not be able to reimburse the travel expenses of your personal representative (e.g., spouse, other family member, close friend, or attorney). This is because federal travel statutes do not allow federal agencies to reimburse expenses incurred by individuals who are not providing a direct service to the government. In addition, be advised that an attendance fee of $40 per calendar day or portion of day, including travel day, is authorized to be paid in addition to normal per diem.

Enclosure 1 to this letter provides general information regarding NRC travel expenses. Please contact Mr. Russell J. Arrighi, of my staff at 301-415-0205 for assistance prior to making your travel reservations. At the completion of your travel we will assist you in completing the required travel reimbursement form, “Travel Voucher.” Reimbursements claim forms should be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC’s document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

/RA/
James G. Luehman, Deputy Director
Office of Enforcement

Enclosures:
1. General Information Regarding NRC Travel
2. NRC Form 64, “Travel Voucher”

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ADAMS ACCESSION NUMBER: ML062350412
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OFFICE	OE:ES	OE:DD		
NAME	R. Fretz	J. Luehman		
DATE	8/17/06	8/21/06		

OFFICIAL RECORD COPY

General Information Regarding NRC Travel

NOTE: This information is not intended to cover every possible travel situation, but is provided to you as general information regarding reimbursable travel expenses. Please keep in mind that the travel regulation periodically changes, therefore, we request that you seek assistance from the contact person listed in the cover letter before making travel reservations.

1. Travel by Air

If you plan to travel by air, you must make all airline reservations through the NRC Travel Management Center (1-888-455-4199). The cost of the airline tickets will be direct billed to the NRC (i.e., no out of pocket expense on your part for airline tickets). Note: If you use personal frequent flyer miles to purchase your airline tickets, the NRC can not reimburse you for the value of the ticket.

If the meeting is held at the NRC offices in Rockville, Maryland, and your travel is by air to Reagan Washington National Airport, in order to be reimbursed for travel from National Airport to the NRC offices you must use the Washington Metro subway system (NRC is located at the White Flint Metro stop on the Metro Red Line). If your travel is to Washington Dulles International Airport the NRC will reimburse you for the cost of a taxi/limo from Dulles to the NRC offices. The NRC will not reimburse you for a rental car from any of the Washington D.C. area airports to the NRC offices.

For meetings held at locations other than Rockville, Maryland, you will be reimbursed taxi fare, plus 15% tip, for local travel related to attending the meeting, e.g., travel between the destination airport and your lodging or the specified meeting location, between your lodging and the specified meeting location, and return trip to the airport.

2. Travel by Privately Owned Vehicle

You may drive your Privately Owned Vehicle (POV) or take a taxi to the airport when air travel is required. Which ever of these two transportation means you use, the NRC will only reimburse you for the lesser of the cost for round-trip POV mileage (plus parking) or the cost of round trip taxi and/or limo fare (plus 15% tip).

You may drive your POV from your residence to the specified meeting location. However, if you drive your POV, you will be entitled to a mileage reimbursement (44.5 cents per mile as of January 1, 2006, but subject to change each year) and toll expenses only if the specified meeting location is not your normal work location. If the location for the meeting is your regular work location, you will not be entitled to mileage reimbursement.

Whether you drive your POV or fly to the meeting, you will only be reimbursed for the lesser of the two costs (e.g., there are situations where travel by air is less costly than POV travel). Therefore, you may be reimbursed only for the cost of air travel in those situations where your actual POV travel costs were more. Information on government contract air-carriers and fares can be found at: http://www.fedtravel.com/gsa/.

3. Lodging

If overnight lodging is required, you must make all hotel reservations through the NRC Travel Management Center (1-888-455-4199). You will be responsible for paying lodging costs billed to you, and you will be reimbursed by the NRC upon review and approval of the travel voucher claim. Please Note: Hotels often require a social security number to secure the hotel room.

4. Per Diem

A per diem allowance will be paid if your travel arrangements require you to obtain overnight lodging for government business. The per diem allowance is a daily payment for lodging, meals, and related incidental expenses. Incidental expenses include fees and tips to waiters and waitresses, porters, baggage carriers, bellhops, hotel maids, and taxi fares for the purpose of obtaining food and incidentals. Transportation (POV and taxi, as described in paragraphs 1 and 2 above) and miscellaneous expenses are separate from per diem. Charges for lodging taxes are claimed as a miscellaneous expense and are in addition to the per diem lodging allowance. You will not be reimbursed for taxi fare to obtain food or incidentals since those types of transportation expenses are considered included already in the per diem allowance.

Maximum allowable federal government per diem rates can be found on the following web-site: http://www.policyworks.gov/org/main/mt/homepage/mtt/perdiem/travel.htm

5. Computation of Per Diem

When lodging is required on the day that travel begins, the per diem rate is the actual cost of lodging up to the allowed maximum lodging amount for the specific travel location (see the web-site listed in paragraph 4 for maximum reimbursable lodging rates), plus 75% of the applicable meal and incidental expense rate. On the day of return (the day travel ends) you are also allowed a flat 75% of the applicable meal and incidental expense rate. The days in between the first day of travel and the last day of travel will be paid at full per diem amounts.

6. Receipts

Receipts are required for all lodging costs for which reimbursement is claimed. If the lodging receipt shows an extra charge for double occupancy, the traveler will only be reimbursed for the single room rate. Receipts are also required for all expenses over $75.00 (e.g., taxi, limo, parking).