

November 26, 2008

Mr. John Martin
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: WITNESS FEES AND TRAVEL EXPENSES

Dear Mr. Martin:

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 hearing as specified in a subpoena dated 11/25/08, the Federal Travel Regulation allows us to reimburse you for your travel expenses. However, please be aware that the NRC will not reimburse the travel expenses of your personal representative (e.g., spouse, other family member, close friend, or attorney). The Federal Travel Regulation does not allow a federal agency to reimburse expenses incurred by individuals who are not providing a direct service to the government. In addition, be advised in accordance with US Code, Title 28.1821, 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 (see Enclosure 1).

Enclosure 1 to this letter provides general information regarding the Federal Travel Regulation. Please contact Patty Nibert, of my staff at 301-415-3819 for assistance prior to making your travel reservations so she can submit a travel request. At the completion of your travel we will assist you in completing the required travel reimbursement form, a 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/

Stewart L. Magruder, Deputy Director
Office of Enforcement

Enclosures:

1. General Information Regarding Federal Travel Regulation
2. NRC Form 64, Travel Voucher

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/RA/
Stewart L. Magruder, Deputy Director
Office of Enforcement

1. General Information Regarding Federal Travel Regulation
2. NRC Form 64, "Travel Voucher"

ADAMS ACCESSION NUMBER: **ML083310088**

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OFFICE	OE:ES	OE:BC	OE:DD	OE:D
NAME	R. Arrighi	D. Solorio	S. Magruder	S. Magruder for C. Carpenter
DATE	11/26/2008	11/26/2008	11/26/2008	11/26/2008

OFFICIAL RECORD COPY

General Information Regarding Travel Regulation

NOTE: This information is not intended to cover every possible travel situation, but is provided to you as general information regarding reimbursable travel expenses within the limitations set by Federal Travel Regulation. 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.

You will be traveling under the same laws and regulations that apply to an NRC employee. Because of this, there are some important items that you need to know. We hope the following will help to make the travel process move smoothly. Remember, the best way to ensure timely reimbursement of costs is to provide your NRC contact with a copy of all your receipts for costs claimed. The NRC contact will help to get your voucher processed.

Travel Reimbursement Limitations...

NRC will reimburse you for necessary expenses incurred. However, these expenses must be within the limits prescribed by law and NRC travel regulations as described below.

1. Per Diem and Subsistence

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 2 and 3 below) 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 for the continental United States can be found on the following web-site:

<http://www.policyworks.gov/org/main/mt/homepage/mtt/perdiem/travel.htm>

The per diem rate for the Rockville / North Bethesda, MD area is **204/64/273**, or, as a break down, **\$204.00 for hotel / \$64 for M+IE / \$273.00** total per day. M+IE rates = $\frac{3}{4}$ reimbursement for the first and last days of travel. Days in between will receive the full M+IE rate. ***[Note these rates are subject to change, please verify prior to making reservations.]***

2. Travel By Air

If you plan to travel by air the NRC will make airline reservations for you through the NRC Travel Management Center (1-888-455-4199) and 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.

3. Travel By Rental Vehicle or Privately Owned Vehicle

You must have advance authorization for any rental vehicle. You must also have advance authorization to use your privately owned vehicle (POV). If authorized, you will receive a standard rate per mile for operating expenses and additional reimbursement for parking fees, ferry fees, and toll costs. The current mileage rate is \$.58½ per mile. Before you incur the rental cost or use your own car, ask your NRC contact whether the cost is included in your travel authorization.

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 and therefore you will only be reimbursed the air travel cost even though your actual POV travel costs were more. Information on government contract air-carriers and fares can be found on the following web-site: <http://www.fedtravel.com/gsa/Default.asp>

3. Lodging

The NRC will make hotel reservations for you through the NRC Travel Management Center (1-888-455-4199). The cost of the lodging will be billed to the you and will be reimbursed by the NRC upon review and approval of the travel voucher claim. Note: Hotels may require a social security number to secure the hotel room.

5. Telephone Calls

A daily allowance of \$4.00 (total) is authorized for phone calls when you are in a travel status of two (2) nights or more.

6. Receipts

You will be required to submit receipts for the following:

- lodging costs (actual hotel receipt & **not** your credit card receipt or monthly credit card bill). If the lodging receipt shows an extra charge for double occupancy, the traveler will only be reimbursed for the single room rate.
- common carrier charges (airline, train)
- any other expense over \$75 (cab fare or rental vehicle, if authorized)

Tip: Remember to ask for two copies of receipts for reimbursement purposes. Keep one copy for your files and return the other to the NRC point of contact for your travel voucher expenditures.

7. Expenses Not Reimbursed

NRC does not reimburse all expenses, for example:

- excess costs (rented movies, alcohol, newspapers, etc.)
- indirect costs
- delays
- luxury accommodations (including first class travel or limousines)
- unnecessary or unjustified services

8. Expenses for Spouse, Family, or Companion

NRC will not provide funds or any additional costs for your spouse, family, or traveling companion(s). You may claim only the single occupancy rate for lodging that would have applied if you had traveled alone.

9. Transportation to Obtain Meals

Generally, transportation to obtain meals is part of the incidental expenses of the per diem and may not be reimbursed separately except under limited circumstances.

Not all travel circumstances are covered here. If you have questions, please ask your NRC point of contact.

To be completed by the Invitational Traveler:

I have read the above and understand my responsibilities with regard to my travel.

Name (Printed) Signature

Date

Please fax this signed sheet to (301) 415-3431

or mail to:

**USNRC, Mail Stop O-4A15A
11555 Rockville Pike
Rockville, MD 20852**

Attn: _____

Thank you!