

FORM 46: Predecisional Enforcement Conference Confirmation Letter to Claimant and Reimbursement of Travel Expenses

EA-YY-XXX

(Name of Individual)

[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE [add the following if the NRC will reimburse the claimant for travel expenses to attend the PEC "AND REIMBURSEMENT OF TRAVEL EXPENSES"]

Dear _____:

This is to confirm that a closed, transcribed predecisional enforcement conference (PEC) with (name of licensee) has been scheduled to discuss an apparent violation of the NRC regulation prohibiting employment discrimination, 10 CFR (insert appropriate section), "Employee Protection". The conference will take place at (time) (time zone, if needed for clarity) on (day, month, date, year) at the following address:

(Insert address of PEC location)

The NRC's "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), permits you, as the employee who was the subject of the alleged discrimination, the opportunity to participate in the conference as an observer. If you choose, after observing the presentation by (name of licensee), you may make a presentation to address why you believe discrimination occurred, and you may state your views regarding the presentation by (the licensee). We request that your presentation be no more than one hour. (name of licensee) will then be afforded an opportunity to respond to your presentation, and the NRC staff may also ask you some clarifying questions. (name of licensee) will not be allowed to present information or make comments during your presentation. Similarly, you may not make comments during the presentation of (name of licensee), or any subsequent rebuttal to your presentation that (name of licensee) may choose to make.

The purpose of the PEC is not to investigate or question your position on the alleged discrimination, and in no case will the NRC staff permit you or (name of licensee) to cross-examine or question each other. The NRC presiding officer has authority to ensure that the meeting is conducted in a fair and impartial manner and to end the conference or limit participation should it be deemed necessary. The process and procedures for this conference will be further explained at the beginning of the conference.

[Insert the following two paragraphs if the NRC will reimburse the claimant's travel expenses to attend the PEC.]

Since the NRC is requesting your attendance at the PEC to assist the staff in determining the facts of the case, Federal Travel Regulation allows us to reimburse you for 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). 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.

The enclosure to this letter provides general information regarding the Federal Travel Regulation. Please contact (name of contact), of my staff at (phone number) for assistance prior to making your travel reservations. At the completion of your travel we will assist you in completing the required travel reimbursement forms.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will not 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,

Director, Office of Enforcement

Enclosure: General Information Regarding Federal Travel Regulation

General Information Regarding Federal 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 to attend the Predecisional Enforcement Conference (PEC).

1. 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 PEC 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 PECs held at locations other than Rockville, Maryland, you will be reimbursed taxi fare, plus 15% tip, for local travel related to attending the PEC, e.g., travel between the destination airport and your lodging or PEC meeting location, between your lodging and the PEC 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 your departure point airport. 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 your POV from your residence to the PEC meeting location. If you drive your POV, you are entitled to a mileage reimbursement (37.5 cents per mile as of January 1, 2004, but subject to change each year) and your toll expenses. Whether you drive your POA or fly to the PEC, 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. Per Diem

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 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>

4. 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 3 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.

Per diem is not paid for travel of 12 hours or less. Travel over 12 hours but less than 24 hours, when no lodging is required, is paid at 75% of the applicable meal and incidental expense rate.

5. 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).