



DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANAGEMENT SERVICE
1400 KEY BOULEVARD
ARLINGTON, VA 22209-5144

June 17, 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Compensatory Time off for Travel for Nonappropriated Fund (NAF)
Prevailing Rate Employees

The Office of Personnel Management (OPM) recently issued final regulations to implement section 1111 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 (FY08) (Attachment 1). The provision amends subchapter V of chapter 55 of title 5, United States Code (U.S.C.), to cover prevailing rate employees under the compensatory time off for travel provision in 5 U.S.C. 5550b. NAF prevailing rate employees were previously excluded from the compensatory time off for travel provision by 5 U.S.C. 5541(2)(xi), but are now included.

The effective date of section 1111 of the FY08 NDAA and the OPM regulations at 5 CFR part 550, subpart N, is April 27, 2008. The existing Department of Defense (DoD) policy, now in Under Secretary of Defense (Personnel and Readiness) memo of August 12, 2005, "Compensatory Time Off for Travel" (Attachment 2), will be updated to reflect the authorization for prevailing rate employees, to include NAF prevailing rate employees.

Please note that compensatory time off for travel will not convert to overtime pay, and will not be paid out as a lump-sum payment.

Questions relating to compensatory time off for travel for NAF prevailing rate employees may be directed to Ms. Lynn Wright at 703-696-6539 (DSN 426-6539).

A handwritten signature in cursive script that reads "Donna S. Tranum".

Donna S. Tranum
Chief, NAF Personnel Policy Division

Attachments:
As stated

DISTRIBUTION: SANDRA CURRAN, CHIEF, NAF HUMAN RESOURCES
POLICY AND PROGRAMS DIVISION, DEPARTMENT
OF THE ARMY

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Rules and Regulations

Federal Register

Vol. 73, No. 103

Wednesday, May 28, 2008

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206-AL52

Compensatory Time Off for Travel; Prevailing Rate (Wage) Employees

AGENCY: U.S. Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: The U.S. Office of Personnel Management is issuing final regulations to implement a provision of the National Defense Authorization Act for Fiscal Year 2008 permitting prevailing rate (wage) employees to earn compensatory time off for time spent in a travel status away from the official duty station when such time is not otherwise compensable.

DATES: The regulations are effective May 28, 2008.

FOR FURTHER INFORMATION CONTACT: Gene Holson by telephone at (202) 606-2858; by fax at (202) 606-0824; or by email at pay-performance-policy@opm.gov.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing final regulations to implement section 1111 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181, January 28, 2008), hereafter referred to as "the Act." Section 1111 of the Act amends subchapter V of chapter 55 of title 5, United States Code, to cover prevailing rate (wage) employees under the compensatory time off for travel provision in 5 U.S.C. 5550b. Subject to the conditions specified in 5 U.S.C. 5550b and 5 CFR part 550, subpart N, a covered employee is entitled to earn, on an hour-for-hour basis, compensatory time off for time spent in a travel status away from the employee's official duty

station when the travel time is not otherwise compensable.

Because the section of law authorizing compensatory time off for travel is in 5 U.S.C. chapter 55, subchapter V, the provision applies to an "employee" as defined in 5 U.S.C. 5541(2), who is employed in an "Executive agency," as defined in 5 U.S.C. 105. Prevailing rate (wage) employees previously were excluded from the compensatory time off for travel provision by 5 U.S.C. 5541(2)(xi). However, the Act amends 5 U.S.C. 5541(2) and 5 U.S.C. 5550b to permit prevailing rate (wage) employees to earn compensatory time off for travel under 5 U.S.C. 5550b and 5 CFR part 550, subpart N.

Effective Date

Section 1111(c) of the Act provides that the amendment takes effect on the earlier of (1) the effective date of implementing regulations or (2) the 90th day after the date of the law's enactment, which is April 27, 2008. These regulations are effective on April 27, 2008 and apply prospectively from that date. Accordingly, we have revised § 550.1402 to provide that prevailing rate (wage) employees are covered by 5 CFR part 550, subpart N, effective April 27, 2008. Agencies must credit prevailing rate (wage) employees who perform officially authorized travel on or after the effective date with any compensatory time off for travel to which they are entitled under the law and regulations. If an employee is on an extended period of officially authorized travel on the effective date, only the qualifying travel hours occurring on or after the effective date are creditable for the purpose of earning compensatory time off for travel.

Authority Citation

Subpart N of part 550 of title 5, Code of Federal Regulations, previously did not include an authority citation. Therefore, we have added 5 U.S.C. 5548(a) as the authority citation for 5 CFR part 550, subpart N.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(B) of title 5 of the United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days.

These regulations implement a provision of Public Law 110-181 that takes effect on the earlier of (1) the effective date of implementing regulations or (2) the 90th day after the date of the law's enactment. The statutory change is unambiguous and does not require interpretation, since it simply extends coverage under a particular provision of law to an additional category of employees. These regulations merely incorporate the statutory change. Thus, a notice of proposed rulemaking and a delayed effective date is unnecessary. This waiver will facilitate timely implementation of the law as intended by Congress.

E.O. 12866, Regulatory Review

The Office of Management and Budget has reviewed this rule in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

U.S. Office of Personnel Management.

Linda M. Springer,
Director.

■ Accordingly, OPM is amending 5 CFR part 550 as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart N—Compensatory Time Off for Travel

■ 1. An authority citation for subpart N of part 550 is added to read as follows:

Authority: 5 U.S.C. 5548(a).

■ 2. Section 550.1402 is revised to read as follows:

§ 550.1402 Coverage.

This subpart applies to an employee as defined in 5 U.S.C. 5541(2) who is employed by an agency. In accordance with section 1111 of Public Law 110-181, an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of title 5,

United States Code, or by a wage board or similar administrative authority serving the same purpose, is covered by this subpart effective April 27, 2008.

[FR Doc. E8-11839 Filed 5-27-08; 8:45 am]
BILLING CODE 6325-39-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1, 19, 20, 30, 40, 50, 52, 55, 60, 61, 63, 70, 71, 72, 73 and 76

[NRC-2008-0270]

RIN 3150-AI39

Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to update the street address for its Region IV office, and to update a telephone number and e-mail address for the Office of Information Services (OIS). This document is necessary to inform the public of these changes to the NRC's regulations.

DATES: *Effective date:* This rule is effective May 28, 2008.

FOR FURTHER INFORMATION CONTACT: Angella Love Blair, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-5661, e-mail angella.love-blair@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The NRC is amending its regulations at 10 CFR parts 1, 19, 20, 30, 40, 50, 52, 55, 60, 61, 63, 70, 71, 72, 73 and 76 to update the street address for the NRC Region IV office, and to update a telephone number and e-mail address for OIS. The physical location for the NRC Region IV office has not changed; the street address change is necessary because of local road construction. This rule also updates the internal addressee for the NRC Region IV office due to reorganization.

Because these amendments constitute minor administrative corrections to the regulations, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(B). The amendments are effective upon publication in the *Federal Register*. Good cause exists

under 5 U.S.C. 553(d) to dispense with the usual 30-day delay in the effective date of the final rule, because the amendments are of a minor and administrative nature dealing with corrections to certain CFR sections. These amendments do not require action by any person or entity regulated by the NRC, and the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC.

Summary of Changes

Change in Street Address for Region IV, USNRC

The street address of the NRC Region IV office has been changed. The new address is incorporated into the following sections of the NRC's regulations: § 1.5(b)(4), Appendix D to 10 CFR part 20, § 30.6(b)(2)(iv), § 40.5(b)(2)(iv), § 55.5(b)(2)(iv), § 70.5(b)(2)(iv), and Appendix A to 10 CFR part 73.

Change in Internal Addressee for Region IV, USNRC

Due to reorganization in the NRC Region IV, the appropriate internal addressee is the Division of Nuclear Materials Safety. The new name is incorporated into the following sections of the NRC's regulations: § 30.6(b)(2)(iv), § 40.5(b)(2)(iv), and § 70.5(b)(2)(iv).

Change in OIS Telephone Number

The OIS telephone number for requesting NRC forms has been changed. The new telephone number is incorporated into the following sections of the NRC's regulations: Appendix G to 10 CFR part 20, § 30.7(e)(3), § 40.7(e)(3), § 50.7(e)(2), § 55.23, § 55.31(a)(1), § 60.9(e)(2), § 61.9(e)(2), § 63.9(e)(2), § 70.7(e)(3), § 71.9(e)(2), § 72.10(e)(2), § 73.57(d)(1), and § 76.7(e)(3).

Change in OIS E-mail Address

The OIS e-mail address for requesting NRC forms has been changed. The new e-mail address is incorporated into the following sections of the NRC's regulations: § 19.11(e)(2), § 30.7(e)(3), § 40.7(e)(3), § 50.7(e)(2), § 52.5(e)(2), § 60.9(e)(2), § 61.9(e)(2), § 63.9(e)(2), § 70.7(e)(3), § 71.9(e)(2), § 72.10(e)(2), § 73.57(d)(1), and § 76.7(e)(3).

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

Paperwork Reduction Act Statement

This final rule does not contain information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this final rule; therefore, a backfit analysis is not required for this final rule because these amendments are administrative in nature and do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

Congressional Review Act (CRA)

In accordance with the CRA of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

10 CFR Part 1

Organization and functions (government agencies).

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



12 AUG 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT
OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

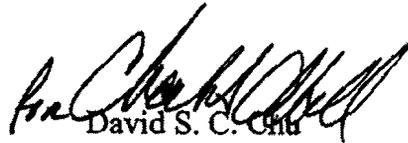
SUBJECT: Compensatory Time Off for Travel

Section 203 of the Federal Workforce Flexibility Act of 2004 (Pub. L. 108-411, October 30, 2004) amended title 5, United States Code, by adding section 5550b, which authorizes a new form of compensatory time off for time spent by eligible employees in a travel status when such time is not otherwise compensable. On January 27, 2005, the Office of Personnel Management released interim implementing regulations by adding Subpart N, Compensatory Time Off for Travel, to title 5, Code of Federal Regulations, Part 50. Both law and regulation were effective January 28, 2005.

Supervisors and managers delegated the authority to direct travel and approve leave have the authority to credit and approve the usage of compensatory time off for travel within the Department of Defense (DoD). This applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other DoD organizational entities.



The attached guidance establishes DoD policy and procedures for implementing this new form of compensatory time off and is effective upon receipt of this memorandum. My point of contact concerning this matter is Ms. Mary Olson, who may be reached electronically at mary.olson@cpms.osd.mil or by telephone at (703) 696-1721.


David S. C. Chu

Attachment:
As stated

Department of Defense

Compensatory Time Off for Travel Documentation Procedures

A. General Information

1. Section 203 of the Federal Workforce Flexibility Act of 2004 (Pub. L. 108-411, October 30, 2004) amended subchapter V of chapter 55 of title 5, United States Code (U.S.C.), by adding section 5550b. The new section establishes a form of compensatory time off for time spent by an employee in a travel status away from the employee's official duty station when such time is not otherwise compensable.
2. On January 27, 2005, the Office of Personnel Management (OPM) issued interim regulations implementing the provisions of 5 U.S.C. 5550b by adding subpart N, Compensatory Time Off for Travel, to part 550 of title 5, Code of Federal Regulations (CFR).
3. Employee eligibility is based on the definition of employee in 5 U.S.C. 5541(2). Certain categories of employees are specifically excluded (e.g., prevailing rate employees, individuals holding teaching positions as defined by section 901 of title 20, U.S.C., members of the Senior Executive Service).
4. Unless specifically excluded by the provisions of 5 U.S.C. 5541(2), all Department of Defense employees who have a regular tour of duty for leave purposes are eligible to earn and use compensatory time off for travel.
5. Official travel shall be scheduled to occur during an employee's tour of duty, consistent with mission requirements. Only in cases where this is not practicable will employees earn entitlement to compensatory time off for travel.

B. Procedures for Crediting Compensatory Time Off for Travel

1. An eligible employee who performs official travel may request compensatory time off for time spent in a travel status away from the official duty station if the travel time is not otherwise compensable as defined in 5 CFR 550.1403.
2. An employee shall request credit for compensatory time off for travel by providing documentation of the time that he/she spent in an official travel status, including any meal periods.

3. Within five workdays after returning to the official duty station, the employee must submit his/her travel itinerary, or any other documentation acceptable to the employee's supervisor, in support of the request. Credit will be in increments of one-tenth of an hour (six minutes) or one-quarter of an hour (fifteen minutes) in accordance with the Component's internal standard for crediting time.
4. Supervisors and managers within the Department otherwise authorized to direct travel or approve time and attendance may approve employee requests for crediting compensatory time off for travel under the provisions of 5 CFR 550.1404-1405 and this memorandum.
5. For every 8 ½ hours of creditable compensatory time off claimed by the employee, the supervisor will deduct ½ hour as a bona fide meal period. The only exception is a situation in which the employee is continuously traveling in a conveyance (aircraft, train, automobile); in this situation, the automatic deduction of ½ hour does not apply. Apart from the automatic deduction, any meal period reported by an employee will be deducted from creditable time.
6. Other determinations regarding what time is creditable for employees in a travel status will be at the discretion of the supervisor within the regulatory limits described in 5 CFR 550.1404.
7. Once the supervisor has approved the employee's request, the appropriate timekeeper will credit the employee with earned compensatory time off for travel.

C. Procedures for Using Compensatory Time Off for Travel

1. An employee must request permission from his or her supervisor to schedule the use of accrued compensatory time off. The employee may submit his or her request on OPM Form 71, Request for Leave or Approved Absence, or in accordance with any other established guidelines.
2. Once the supervisor has approved the employee's request for use of compensatory time off for travel, the appropriate timekeeper will charge the employee for its use through normal time and attendance procedures.

D. Accountability

Managers and supervisors throughout the Department are responsible for the appropriate use of this authority to support mission requirements.