

§ 15.2

money or property and; unless a different procedure is specified in a statute, regulation, or contract; prescribes procedures by which the NRC—

(1) Collects, compromises, suspends, and terminates collection actions for claims;

(2) Determines and collects interest and other charges on these claims; and

(3) Refers unpaid claims to the General Accounting Office (GAO) and the Department of Justice (DOJ) for litigation.

(b) The following are examples of kinds of debts to which special statutory and administrative procedures apply:

(1) A claim against an employee for erroneous payment of pay and allowances subject to waiver under 5 U.S.C. 5584 are covered by the provisions of 10 CFR part 16.

(2) A claim against an applicant for, or a holder or former holder of, an NRC license involving the payment of civil penalties imposed by the NRC under 10 CFR 2.205.

(3) A claim involved in a case pending before any Federal Contract Appeals Board or Grant Appeals Board. However, nothing in this part prevents negotiation and settlement of a claim pending before a Board.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32377, Aug. 9, 1990; 56 FR 51830, Oct. 16, 1991]

§ 15.2 Definitions.

Administrative offset means withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the United States Government.

Claim and *debt* are used synonymously and interchangeably for the purposes of this part. These terms refer to money or property which has been determined by an appropriate NRC official to be owed to the United States by any person, organization, or entity, except another Federal agency.

Delinquent. A debt is considered delinquent if it has not been paid by the date specified in the initial written demand for payment or applicable contractual agreement with the NRC unless other satisfactory payment arrangements have been made by that

10 CFR Ch. I (1–1–01 Edition)

date. If the debtor fails to satisfy obligations under a payment agreement with the NRC after other payment arrangements have been made, the debt becomes a delinquent debt.

License means any license, permit, or other approval issued by the Commission.

Payment in full means payment of the total debt due the United States, including any interest, penalty, and administrative costs of collection assessed against the debtor.

Salary offset means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

[55 FR 32377, Aug. 9, 1990, as amended at 56 FR 51830, Oct. 16, 1991]

§ 15.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. Communications may be delivered in person to the Commission's offices located at 11555 Rockville Pike, One White Flint North, Rockville, Maryland 20852-2738.

[63 FR 15743, Apr. 1, 1998]

§ 15.5 Claims that are covered.

(a) These procedures generally apply to any claim for payment of a debt which:

(1) Results from activities of the NRC, including fees imposed under part 170 and part 171; or

(2) Is referred to the NRC for collection.

(b) These procedures do not apply to:

(1) A claim based on a civil monetary penalty for violation of a licensing requirement unless § 2.205 of this chapter provides otherwise;

(2) A claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim;

(3) A claim based in whole or in part on conduct in violation of the antitrust laws;

Nuclear Regulatory Commission

§ 15.21

(4) A tax claim, as to which differing exemptions, administrative considerations, enforcement considerations, and statutes apply.

(5) A claim between Federal agencies; and

(6) A claim once it becomes subject to salary offset under 5 U.S.C. 5514. These claims are subject to the provisions of 10 CFR part 16.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32377, Aug. 9, 1990; 56 FR 51830, Oct. 16, 1991]

§ 15.7 Monetary limitation on NRC's authority.

The NRC's authority to compromise a claim, or to terminate or suspend collection action on a claim covered by these procedures, is limited by 31 U.S.C. 3711(a) to claims that—

(a) Have not been referred to another Federal Agency, including the GAO, for further collection action; and

(b) Do not exceed \$20,000, exclusive of interest, penalties, and administrative costs (the monetary limitation).

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32378, Aug. 9, 1990]

§ 15.9 Omissions not a defense.

(a) The failure of the NRC to include in this part any provision of the Federal Claims Collection Standards, 4 CFR parts 101-105, does not prevent the NRC from applying these provisions.

(b) A debtor may not use the failure of the NRC to comply with any provision of this part or of the Federal Claims Collections Standards as a defense.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32378, Aug. 9, 1990]

§ 15.11 Conversion claims.

These procedures are directed primarily to the recovery of money on behalf of the Government. The NRC may demand:

(a) The return of specific property; or

(b) Either the return of property or the payment of its value.

§ 15.13 Subdivision of claims.

The NRC shall consider a debtor's liability arising from a particular transaction or contract as a single claim in determining whether the claim is less

than the monetary limitation for the purpose of compromising or suspending or terminating collection action. A claim may not be subdivided to avoid the monetary limitation established by 31 U.S.C. 3711(a)(2) and § 15.7.

[55 FR 32378, Aug. 9, 1990]

Subpart B—Administrative Collection of Claims

§ 15.21 Written demands for payment.

(a) The NRC shall make appropriate written demands upon the debtor for payment of money or the return of specific property in terms which specify:

(1) The basis of the indebtedness and the right of the debtor to seek review within the NRC;

(2) The amount claimed;

(3) A description of any property which is to be returned by a date certain;

(4) The date on which payment is to be made (which is normally the date the initial written demand letter statement was mailed or hand delivered, unless otherwise specified by contractual agreement, established by Federal statute or regulation, or agreed to under a payment agreement);

(5) The applicable standards for assessing interest, penalties, and administrative costs under 4 CFR 102.13;

(6) The applicable policy for reporting the delinquent debt to consumer reporting agencies.

(b) Unless a debtor is a current NRC employee, the NRC shall normally send three progressively stronger written demands at not more than 30-day intervals, unless circumstances indicate that alternative remedies better protect the Government's interest, that the debtor has explicitly refused to pay, or that sending a further demand is futile. Depending upon the circumstances of the particular case, the second and third demands may—

(1) Offer or seek to confer with the debtor;

(2) State the amount of the interest and penalties that will be added on a daily basis as well as the administrative costs that will be added to the debt until the debt is paid; and