

## Nuclear Regulatory Commission

## § 15.1

his or her office or employment will be furnished by the General Counsel or designee to the United States Attorney for the district encompassing the place where the civil action or proceeding is brought. A copy of the report also will be furnished to the Director of the Torts Branch, Civil Division, Department of Justice, at the earliest possible date, or within the time specified by the United States Attorney.

[51 FR 35999, Oct. 8, 1986]

### § 14.55 Removal of State court proceedings.

Upon a certification by the United States Attorney that the defendant employee was acting within the scope of his or her office or employment at the time of the incident out of which the suit arose, any civil action or proceeding commenced in a State court may be removed to the district court of the United States for the district and division encompassing the place where the action or proceeding is pending in accordance with 28 U.S.C. 2679.

### § 14.57 Suit against United States exclusive remedy.

The remedy against the United States provided by 28 U.S.C. 1346(b) and 2672 for damage to or loss of property or personal injury or death, resulting from the operation by an employee of the Government of any motor vehicle while acting within the scope of his or her office or employment, is exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his or her estate whose act or omission gave rise to the claim.

## PART 15—DEBT COLLECTION PROCEDURES

### Subpart A—Application and Coverage

- Sec.
- 15.1 Application.
  - 15.2 Definitions.
  - 15.3 Communications.
  - 15.5 Claims that are covered.
  - 15.7 Monetary limitation on NRC's authority.
  - 15.9 Omissions not a defense.
  - 15.11 Conversion claims.
  - 15.13 Subdivision of claims.

### Subpart B—Administrative Collection of Claims

- 15.21 Written demands for payment.
- 15.23 Telephone inquiries and investigations.
- 15.25 Personal interviews.
- 15.26 Use of consumer reporting agencies.
- 15.27 Contact with debtor's employing agency.
- 15.29 Suspension or revocation of license.
- 15.31 Disputed debts.
- 15.32 Contracting for collection services.
- 15.33 Collection by administrative offset.
- 15.35 Payments.
- 15.37 Interest, penalties, and administrative costs.
- 15.38 Use of credit reports.
- 15.39 Bankruptcy claims.

### Subpart C—Compromise of a Claim

- 15.41 When a claim may be compromised.
- 15.43 Reasons for compromising a claim.
- 15.45 Restrictions on the compromise of a claim.
- 15.47 Finality of a compromise.

### Subpart D—Suspension or Termination of Collection Action

- 15.51 When collection action may be suspended or terminated.
- 15.53 Reasons for suspending collection action.
- 15.55 Reasons for terminating collection action.
- 15.57 Termination of collection action.
- 15.59 Transfer of a claim.

### Subpart E—Referral of a Claim

- 15.61 Prompt referral.
- 15.65 Referral of a compromise offer.
- 15.67 Referral to the Department of Justice.

AUTHORITY: Secs. 161, 186, 68 Stat. 948, 955, as amended (42 U.S.C. 2201, 2236); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 3, Pub. L. 89-508, 80 Stat. 308, as amended (31 U.S.C. 3711, 3717, 3718); sec. 1, Pub. L. 97-258, 96 Stat. 972 (31 U.S.C. 3713); sec. 5, Pub. L. 89-508, 80 Stat. 308, as amended (31 U.S.C. 3716); Pub. L. 97-365, 96 Stat. 1749 (31 U.S.C. 3701-3719); Federal Claims Collection Standards, 4 CFR parts 101-105.

SOURCE: 47 FR 7616, Feb. 22, 1982, unless otherwise noted.

### Subpart A—Application and Coverage

#### § 15.1 Application.

(a) This part applies to claims for the payment of debts owed to the United States Government in the form of

## § 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;