

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