

§ 15.32

10 CFR Ch. I (1-1-01 Edition)

§ 15.32 Contracting for collection services.

The NRC may contract for collection services in order to recover delinquent debts. However, the NRC retains the authority to resolve disputes, compromise claims, suspend or terminate collection action, and initiate enforced collection through litigation. When appropriate, the NRC shall contract for collection services in accordance with the guidance and standards contained in 4 CFR 102.6.

[55 FR 32379, Aug. 9, 1990]

§ 15.33 Collection by administrative offset.

(a) The NRC may administratively undertake collection by offset on each claim which is liquidated or certain in amount in accordance with the guidance and standards contained in 4 CFR 102.2, 102.3, and 102.4 and 5 U.S.C. 5514, as applicable. The NRC may not initiate administrative offset to collect a debt more than 10 years after the Government's right to the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known to the NRC or collection of "approval" fees has been deferred under 10 CFR part 170. If the collection of "approval" fees has been deferred, the ten-year period begins to run at the end of the deferral period.

(b) Collection by administrative offset of amounts payable from the Civil Service Retirement and Disability Fund, the Federal Employees Retirement System or other similar funds is made pursuant to 4 CFR 102.4 and the provisions of paragraph (d) of this section.

(c) Salary offset is governed by 5 U.S.C. 5514 and the provisions of 10 CFR part 16.

(d) The following procedures apply when the NRC seeks to collect a debt by offset against any payment to be made to a debtor or against the assets of a licensee.

(1) Before the offset is made, the NRC shall provide the debtor with a written notice of the nature and amount of the debt and—

(i) Notice of the NRC's intent to collect the debt by offset;

(ii) An opportunity to inspect and copy NRC records pertaining to the debt;

(iii) An opportunity to request reconsideration of the debt by the NRC or, if provided for by statute, waiver of the debt;

(iv) An opportunity to enter into a written agreement with the NRC to repay or pay the debt, as the case may be;

(v) An explanation of the debtor's rights under this subpart; and

(vi) An opportunity for a hearing when required under the provisions of 4 CFR 102.3(c).

(2) If the NRC learns that other agencies of the Federal government are holding funds payable to the debtor, the NRC shall provide the other agencies with written certification that the debt is owed to the NRC and that the NRC has complied with the provisions of 4 CFR 102.3. The NRC shall request that funds due the debtor which are necessary to offset the debt to the NRC be transferred to the NRC.

(3) The NRC may accept a repayment or payment agreement, as appropriate, in lieu of offset, but will do so only after balancing the Government's interest in collecting the debt against fairness to the debtor. If the debt is delinquent and the debtor has not disputed its existence or amount, the NRC may accept a repayment or payment agreement in lieu of offset only if the debtor is able to establish under sworn affidavit that offset would result in undue financial hardship or would be against equity and good conscience.

(4) Administrative offset is not authorized with respect to—

(i) Debts owed by any State or local government;

(ii) Debts once they become subject to the salary offset provisions of 5 U.S.C. 5514 and 10 CFR part 16; or

(iii) Any case in which collection of the type of debt involved by administrative offset is explicitly provided for or prohibited by another statute.

(5) The NRC reserves the right to take any other action in respect to offset as is permitted under 4 CFR 102.3.

(e) The NRC shall make appropriate use of the cooperative efforts of other agencies, including use of the Army Holdup List, in effecting collections by

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offset. The Army Holdup List is a list of contractors indebted to the United States.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32379, Aug. 9, 1990; 56 FR 51830, Oct. 16, 1991]

§ 15.35 Payments.

(a) *Payment in full.* The NRC shall make every effort to collect a claim in full before it becomes delinquent. If a claim is paid in one lump sum after it becomes delinquent, the NRC shall impose charges for interest, penalties, and administrative costs as specified in § 15.37.

(b) *Payment in installments.* If a debtor furnishes satisfactory evidence of inability to pay a claim in one lump sum, payment in regular installments may be arranged. Evidence may consist of a financial statement or a signed statement that the debtor's application for a loan to enable the debtor to pay the claim in full was rejected. Except for a claim described in 5 U.S.C. 5514 and codified in 10 CFR part 16, all installment payment arrangements must be in writing and require the payment of interest, and administrative charges.

(1) Installment note forms, including confess-judgment notes, may be used. The written installment agreement must contain a provision accelerating the debt payment in the event the debtor defaults. If the debtor's financial statement discloses the ownership of assets which are free and clear of liens or security interests, or assets in which the debtor owns an equity, the debtor may be asked to secure the payment of an installment note by executing a Security Agreement and Financing Statement transferring to the United States a security interest in the assets until the debt is discharged.

(2) If the debtor owes more than one debt and designates how a voluntary installment payment is to be applied among those debts, the NRC shall follow that designation. If the debtor does not designate the application of the payment, the NRC shall apply the payment to the various debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case.

(c) *To whom payment is made.* Payment of a debt is made by check, electronic transfer, draft, or money order payable to the United States Nuclear Regulatory Commission and mailed or delivered to the Division of Accounting and Finance, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, unless payment is—

(1) Made pursuant to arrangements with GAO or DOJ;

(2) Ordered by a Court of the United States; or

(3) Otherwise directed in any other part of this chapter.

[47 FR 7616, Feb. 22, 1982, as amended at 52 FR 31610, Aug. 21, 1987; 54 FR 53316, Dec. 28, 1989; 55 FR 32379, Aug. 9, 1990; 56 FR 51830, Oct. 16, 1991; 63 FR 15743, Apr. 1, 1998]

§ 15.37 Interest, penalties, and administrative costs.

(a) The NRC shall assess interest, penalties, and administrative costs on debts owed to the United States Government in accordance with the guidance provided under the Federal Claims Collection Standards, 4 CFR 102.13 unless otherwise directed by statute, regulation, or contract.

(b) Before assessing any charges on delinquent debts, the NRC shall mail or hand-deliver a written notice to the debtor explaining its requirements concerning these charges under 4 CFR 102.2 and 102.13.

(c) Interest begins to accrue from the date on which the initial written demand, advising the debtor of the interest requirements, is first mailed or hand delivered to the debtor unless a different date is specified in a statute, regulation, or contract.

(d) The NRC shall assess interest based upon the rate of the current value of funds to the United States Treasury (the Treasury tax and loan account rate) prescribed for the current quarter and published in the FEDERAL REGISTER and the Treasury Financial Manual Bulletins, unless a different rate is prescribed by statute, regulation, or contract.

(e) Interest is computed only on the principal of the debt and the interest rate remains fixed for the duration of