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the indebtedness, unless a debtor defaults on a repayment agreement and seeks to enter into a new agreement.

(f) The NRC shall assess against a debtor charges to cover administrative costs incurred as a result of a delinquent debt. Administrative costs may include costs incurred in obtaining a credit report or in using a private debt collector, to the extent they are attributable to the delinquency.

(g) The NRC shall assess a penalty charge of 6 percent a year on any portion of a debt that is delinquent for more than 90 days. The charge accrues retroactively to the date that the debt became delinquent.

(h) Amounts received by the NRC as partial or installment payments are applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to outstanding principal.

(i) The NRC shall waive collection of interest on the debt or any portion of the debt which is paid in full within 30 days after the date on which interest began to accrue.

(j) The NRC may waive interest during the period a debt disputed under §15.31 is under investigation or review by the NRC. However, this additional waiver is not automatic and must be requested before the expiration of the initial 30-day waiver period. The NRC may grant the additional waiver only when it finds merit in the explanation the debtor has submitted under §15.31.

(k) The NRC may waive the collection of interest, penalties, and administrative costs if it finds that one or more of the following conditions exist:

(1) The debtor is unable to pay any significant sum toward the debt within a reasonable period of time;

(2) Collection of interest, penalties, and administrative costs will jeopardize collection of the principal of the debt;

(3) The NRC is unable to enforce collection in full within a reasonable time by enforced collection proceedings; or

(4) Collection would be against equity and good conscience or not in the best interests of the United States, including the situation in which an administrative offset or installment payment agreement is in effect.

[55 FR 32380, Aug. 9, 1990]

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

§ 15.38 Use of credit reports.

The NRC may institute a credit investigation of the debtor at any time following receipt of knowledge of the debt in order to aid NRC in making appropriate determinations as to:

(a) The collection and compromise of a debt;

(b) The collection of interest, penalties, and administrative costs;

(c) The use of administrative offset;

(d) The use of other collection methods; and

(e) The likelihood of collecting the debt.

[55 FR 32380, Aug. 9, 1990]

§ 15.39 Bankruptcy claims.

When the NRC receives information that a debtor has filed a petition in bankruptcy or is the subject of a bankruptcy proceeding, it shall furnish information concerning the debt owed the United States to the appropriate United States Attorney to permit the filing of a claim.

Subpart C—Compromise of a Claim

§ 15.41 When a claim may be compromised.

The NRC may compromise a claim not in excess of the monetary limitation if it has not been referred to GAO or to DOJ for litigation. Only the Comptroller General of the United States or designee may effect the compromise of a claim that arises out of an exception made by the GAO in the account of an accountable officer, including a claim against the payee, prior to its referral by GAO for litigation.

[55 FR 32380, Aug. 9, 1990]

§ 15.43 Reasons for compromising a claim.

A claim may be compromised for one or more of the reasons set forth below:

(a) The full amount cannot be collected because:

(1) The debtor is unable to pay the full amount within a reasonable time; or

(2) The debtor refuses to pay the claim in full and the Government is unable to enforce collection in full within

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a reasonable time by enforced collection proceedings.

(b) There is a real doubt concerning the Government's ability to prove its case in Court for the full amount claimed, either because of the legal issues involved or a bona fide dispute as to the facts.

(c) The cost of collecting the claim does not justify the enforced collection of the full amount. The NRC shall apply this reason for compromise in accordance with the guidance in 4 CFR 103.4.

(d) The NRC shall determine the debtor's inability to pay, the Government's ability to enforce collection, and the amounts which are acceptable in compromise in accordance with the Federal Claims Collection Standards, 4 CFR part 103.

(e) Compromises payable in installments are discouraged, but, if necessary, must be in the form of a legally enforceable agreement for the reinstatement of the prior indebtedness less sums paid thereon. The agreement also must provide that in the event of default—

(1) The entire balance of the debt becomes immediately due and payable; and

(2) The Government has the right to enforce any security interest.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32380, Aug. 9, 1990]

§ 15.45 Restrictions on the compromise of a claim.

(a) The NRC may not accept a percentage of a debtor's profits nor stock in a debtor corporation in compromise of a claim. In negotiating a compromise with a business concern, consideration is given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

(b) If two or more debtors are jointly and severally liable, collection action is not withheld against one debtor until the other or others pay their proportionate share. The amount of a compromise with one debtor is not considered a precedent or as morally binding in determining the amount which will be required from other debtors

jointly and severally liable on the claim.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32380, Aug. 9, 1990]

§ 15.47 Finality of a compromise.

An offer of compromise must be in writing and signed by the debtor. An offer of compromise which is accepted by the NRC is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

Subpart D—Suspension or Termination of Collection Action

§ 15.51 When collection action may be suspended or terminated.

The NRC may suspend or terminate collection action on a claim not in excess of the monetary limitation, exclusive of interest, penalties, and administrative costs, after deducting the amount of partial payments, if any, if it has not been referred to GAO or to DOJ for litigation.

[55 FR 32380, Aug. 9, 1990]

§ 15.53 Reasons for suspending collection action.

Collection action may be suspended temporarily:

(a) When the debtor cannot be located after diligent efforts and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim considering the size of the claim and the amount which may be realized on it; or

(b) When the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise on it at the time but the debtor's future prospects justify retention of the claim for periodic review and action and:

(1) The applicable statute of limitations has been tolled or started anew; or

(2) Future collection can be effected by offset notwithstanding the statute of limitations.