

**§ 15.60 Discharge of indebtedness; reporting requirements.**

(a) Before discharging a delinquent debt (also referred to as a close out of the debt), the NRC shall take all appropriate steps to collect the debt in accordance with 31 U.S.C. 3711(g), including, as applicable, administrative offset; tax refund offset; Federal salary offset; referral to Treasury, Treasury-designated debt collection centers, or private collection contractors; credit bureau reporting; wage garnishment; litigation; and foreclosure. Discharge of indebtedness is distinct from termination or suspension of collection activity under 10 CFR 15.55 and 15.57 and is governed by the Internal Revenue Code. When collection action on a debt is suspended or terminated, the debt remains delinquent, and further collection action may be pursued at a later date. When the NRC discharges a debt in full or in part, further collection action is prohibited. Therefore, the NRC will make the determination that collection action is no longer warranted before discharging a debt. Before discharging a debt, the NRC must terminate debt collection action.

(b) Section 3711(i), title 31, United States Code, requires agencies to sell a delinquent nontax debt upon termination of collection action if Treasury determines such a sale is in the best interests of the United States. Since the discharge of a debt precludes any further collection action (including the sale of a delinquent debt), the NRC may not discharge a debt until the requirements of 31 U.S.C. 3711(i) have been met.

(c) Upon discharge of an indebtedness, the NRC shall report the discharge to the IRS in accordance with the requirements of 26 U.S.C. 6050P and 26 CFR 1.6050P-1. The NRC may request Treasury or a Treasury-designated debt collection center to file a discharge report to the IRS on the NRC's behalf.

(d) When discharging a debt, the NRC shall request that litigation counsel release any liens of record securing the debt.

29. Section 15.61 is revised to read as follows:

**§ 15.61 Prompt referral.**

(a) The NRC shall promptly refer debts that are subject to aggressive collection activity (as described in subpart B of this part) and that cannot be compromised, or debts on which collection activity cannot be suspended or terminated, to DOJ for litigation. Debts for which the principal amount exceeds \$1,000,000, or such other amount as the Attorney General may

direct, exclusive of interest and penalties, must be referred to the Civil Division or other division responsible for litigating such debts at DOJ, Washington, DC. Debts for which the principal amount is \$1,000,000 or less, or such other amount as the Attorney General may direct, exclusive of interest or penalties, must be referred to the DOJ's Nationwide Central Intake Facility, as required by the CCLR instructions. Debts will be referred as early as possible, consistent with the NRC's aggressive collection activity and well within the one year of the NRC's final determination of the fact and the amount of the debt.

(b) DOJ has exclusive jurisdiction over the debts referred to in paragraph (a) of this section. The NRC shall terminate the use of any administrative collection activities to collect a debt when the debt is referred to DOJ. The NRC shall advise the DOJ of the collection activities it used and the results. The NRC shall refrain from having any contact with the debtor and shall direct all inquiries to DOJ. The NRC shall immediately notify DOJ of any payments credited to the debtor's account after the account has been referred to DOJ. DOJ shall notify NRC in a timely manner of any payments it receives from the debtor.

30. Section 15.65 is revised to read as follows:

**§ 15.65 Referral of a compromise offer.**

The NRC may refer a debtor's firm written offer of compromise, which is substantial in amount, to the Civil Division or other appropriate litigating division in DOJ using a CCLR accompanied by supporting data and particulars concerning the debt.

31. Section 15.67 is revised to read as follows:

**§ 15.67 Referral to the Department of Justice.**

(a) Unless excepted by DOJ, the NRC shall complete the CCLR accompanied by a Certificate of Indebtedness, to refer all administratively uncollectible claims to the DOJ for litigation.

(b) The NRC shall indicate the actions it wishes DOJ to take regarding the referred claim on the CCLR.

(c) Before referring a debt to DOJ for litigation, the NRC shall notify each person determined to be liable for the debt that, unless the debt can be collected administratively, litigation may be initiated. This notification must comply with Executive Order 12988 (3 CFR, 1996 Comp., pp 157-163) and may be given as part of a demand letter or as a separate document.

(d) The NRC shall preserve all files and records that DOJ may need to prove the claim in court.

(e) The NRC may ordinarily not refer for litigation claims of less than \$2,500, exclusive of interest, penalties, and administrative charges, or such other amount as the Attorney General shall from time to time prescribe.

(f) The NRC may not refer claims of less than the minimum amount unless:

(1) Litigation to collect a smaller claim is important to ensure compliance with NRC's policies and programs;

(2) The claim is being referred solely to secure a judgment against the debtor, which will be filed as a lien against the debtor's property under 28 U.S.C. 3201 and returned to the NRC for enforcement, or

(3) The debtor has the clear ability to pay the claim, and the Government effectively can enforce payment, with due regard for the exemptions available to the debtor under state and Federal law and the judicial remedies available to the Government.

Dated at Rockville, Maryland, this 24th day of April 2002.

For the Nuclear Regulatory Commission.

**Jesse L. Funches,**

*Chief Financial Officer.*

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****14 CFR Part 300**

[Docket No. OST-2002-12200]

**RIN 2105-AD10**

**Reporting Prohibited Communications**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department is amending a provision regarding aviation economic rules in order to eliminate an obsolete provision.

**EFFECTIVE DATE:** Rule shall become effective on May 6, 2002.

**FOR FURTHER INFORMATION CONTACT:** Colleen Hanley, Attorney-Advisor, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2509, [colleen.hanley@ost.dot.gov](mailto:colleen.hanley@ost.dot.gov). Office hours are from 8 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** One of our aviation economic regulations requires minor changes to eliminate an obsolete provision in light of the Department's

transition to an electronic docket system. Specifically, this document amends a rule of conduct in aviation economic adjudicatory proceedings regarding the method of filing prohibited communications or correspondence. The revision recognizes that prohibited communications in docketed cases are made available to the public through the Department's Internet-based Docket Management System ("DMS").

The substance of § 300.3 deals with reporting of prohibited communications, and does not reflect procedures currently in place. This section was enacted prior to the Department's use of an electronic docket. The web-based Docket Management System, now currently utilized, provides a searchable and downloadable database on which all public communications with the DOT are posted under their current docket number. DMS is searchable by date, docket number, terms, party name(s), or document type, providing a much more efficient means of locating information pertaining to any such communications referred to in §§ 300.3 (b)(1)–(2). Once the corresponding docket number is located, a viewable and downloadable listing of all filings, pleadings, orders, and correspondence will be accessible to the user. Other sections within § 300.3 will be amended to be consistent with these changes.

Under the Administrative Procedure Act (5 U.S.C. 553), the Department determines that notice and an opportunity for public comment are impracticable, unnecessary, and contrary to the public interest. The amendments made in this document are ministerial, removing obsolete and redundant material or making minor technical and terminology changes. These changes will have no substantive impact, and the Department would not anticipate receiving meaningful comments on them. Comment is therefore unnecessary, and it would be contrary to the public interest to delay unnecessarily this effort to eliminate or revise outdated rules.

An electronic copy of this document may be downloaded from the Internet using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

## Regulatory Analyses and Notices

### *Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

### *Executive Order 13132 (Federalism Assessment)*

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not adopt any regulation that has substantial direct effect on States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 131232 do not apply.

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601, et seq.) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. The Regulatory Flexibility Act applies only to final rules that are preceded by notices of proposed rulemaking. Because this amendment was not preceded by an NPRM, no assessment is required.

### *Paperwork Reduction Act*

This final rule does not impose any new information collection burdens.

### *Regulation Identifier (RIN)*

A regulation identifier (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

### *Unfunded Mandates Reform Act*

This final rule imposes no mandates and, thus, does not impose unfunded

mandates under the Unfunded Mandates Reform Act of 1995.

### *National Environmental Policy Act*

The Department has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and had determined that this action will not have any effect on the quality of the environment.

### *Final Rule*

For the reasons set out in the preamble, Title 14, Chapter II of the Code of Federal Regulations is amended to read as follows:

### **List of Subjects in 14 CFR Part 300**

Administrative practice and procedure, Prohibited communications, Conflict of interests, Reporting and recordkeeping requirements.

### **PART 300—[Amended]**

1. The authority for part 300 continues to read as follows:

**Authority:** 49 U.S.C. subtitle I and chapters 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, 465.

2. In § 300.3, in paragraph (b)(1), remove the words "put into the correspondence or other appropriate file of the proceeding" and add, in their place, the words "placed onto the electronic docket management system (DMS) in the file of the docket number corresponding to the proceeding" and remove the words "the Documentary Services Division" and add, in their place, the words "Office of Docket Operations and Media Management"; revise paragraph (b)(3) to read as set forth below; and in paragraph (c)(1), remove the words "the Documentary Services Division" and add, in their place, the words "Office of Docket Operations and Media Management".

The revised text reads as follows:

### **§ 300.3 Reporting of communications.**

\* \* \* \* \*

(b) \* \* \*

(3) Electronic copies of written communications and oral summaries shall be posted to the DOT's electronic docket. Such docketed materials may be searched, viewed, and downloaded through the Internet at <http://dms.dot.gov>.

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Issued in Washington, DC, on April 25, 2002.

**Read Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

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