

AD44-1

SEP 12 1990

MEMORANDUM FOR: James M. Taylor
 Executive Director for Operations

FROM: Ronald M. Scroggins
 Controller

SUBJECT: PROMULGATION OF PROPOSED RULE ON SALARY OFFSET PROCEDURES

Attached for your signature is a proposed rule to be published in the Federal Register entitled "Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government." The rule will establish a new Part 16 to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of debts.

Background: The Debt Collection Action of 1982 (Pub. L. 97-365) requires each agency to establish a salary offset program for the collection of debts owed by Federal employees to the Federal Government.

The Office of Personnel Management (OPM) regulations governing the salary offset program establish certain minimum standards and procedures that must be incorporated into each agency's salary offset regulations (5 CFR 550.1104), and require each agency to submit proposed regulations to OPM for review and approval prior to their becoming final rules (5 CFR 550.1105). On May 30, 1990, the NRC forwarded a copy of this proposed rule to OPM in order to comply with 5 CFR 550.1105. By letter dated July 18, 1990, OPM approved the proposed regulation.

The proposed 10 CFR Part 16 establishes procedures for the NRC to collect debts owed to the Federal Government by administrative offset from a Federal employee's salary without his or her consent. This rule applies to all Federal employees who owe debts to the NRC and to current employees of the NRC who owe debts to other Federal agencies.

Concurrently with the publication of 10 CFR Part 16 as a final rule, the NRC intends to amend 10 CFR Part 15, "Debt Collection Procedures," to specify that the salary offset provisions of 10 CFR Part 16 apply to the collection of certain debts owed by Federal employees to the NRC and other agencies.

Environmental Assessment: The staff has determined that the rule will not have a significant effect on the quality of the human environment (Enclosure 2).

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Notice: A notice to the Commission that the EDO has signed this rule is enclosed for inclusion in the next Daily Staff Notes (Enclosure 3). The appropriate Congressional Committees will be notified (Enclosure 4).

Coordination: The Office of Administration and the Office of Personnel have concurred in this proposed rule. The Office of the General Counsel has no legal objection. A copy of this proposed rule has been provided to NTEU Chapter 208 for comment.

Original signed by
Ronald M. Scroggins

Ronald M. Scroggins
Controller

Enclosures:

- 1. Federal Register Notice of Proposed Rulemaking
- 2. Environmental Assessment and Finding of No Significant Impact
- 3. Daily Staff Notes Item
- 4. Congressional Letters

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 RScroggins, OC w/o attachments
 DHassell, OGC w/attachments
 DGrimsely, ADM/DIFIPS w/attachments
 EHallman, ADM w/o attachments
 PBird, OP w/attachments
 NTEU Chapter 208 w/attachment 10 CFR 16

ADP *[Signature]*
 EL *[Signature]*
 8/23/90

OFFICE : OC *[Signature]* DCB:OC/LEDCB :OC/DAF *[Signature]* : OC *[Signature]* : OGC *[Signature]* : ADM/DIFIPS:OP *[Signature]* : OC *[Signature]*
 SURNAME : Weiss:bg:DDandois:EKBlack : LHiller : DHassell: DGrimsely: PBird: RMScroggins
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COMMITTEE
 UPON NTEU
 BEING PROVIDED
 A COPY OF PROPOSED
 RULE FOR COMMENT. Lead to NTEU for comment on 9/7/90

Enclosure 2

ENVIRONMENTAL ASSESSMENT

AND

FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

10 CFR PART 16

The Nuclear Regulatory Commission (NRC) is proposing to establish regulations to collect certain debts owed by Federal employees to the NRC and other Federal agencies by deduction(s) from their pay.

Environmental Assessment

Identification of Action

The NRC is establishing a new Part in 10 CFR Chapter I (Part 16) of its regulations that will provide procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal government.

Need for the Action

The Debt Collection Act of 1982 (Pub. L. 97-365) requires each agency to prescribe regulations for the collection of debts owed to the Federal Government by administrative offset from a Federal employee's salary.

The Office of Personnel Management regulations governing salary offset establish certain minimum standards and procedures that must be incorporated into each agency's salary offset regulations (5 CFR 550.1104). In order to meet these obligations, the NRC is establishing a new Part in 10 CFR Chapter I (Part 16). The proposed 10 CFR Part 16 establishes procedures for the NRC to collect debts owed to the Federal Government by administrative offset of a Federal employee's salary without his or her consent. This rule applies to all Federal employees who owe debts to the NRC and to current employees of the NRC who owe debts to other Federal agencies.

Environmental Impact of the Action

The proposed 10 CFR Part 16 will have no radiological environmental impact offsite, and no impact on occupational radiation exposure onsite. The rule does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant environmental impacts associated with this rule.

Alternatives to the Action

As required by Section 102(2)(E) of NEPA (42 U.S.C.A. 4332(2)(E)), the staff has considered possible alternatives to the action. One alternative was not to initiate a rulemaking proceeding. This is not acceptable as it would not conform to the statutory requirement that NRC prescribe regulations for debt collection procedures pursuant to the Debt Collection Act of 1982 (Pub. L. 97-365).

Issuing a new regulation was chosen as the best alternative.

Alternative Use of Resources

No alternative use of resources was considered.

Agencies and Persons Consulted

No agencies or persons were consulted.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the rule.

Based on the foregoing environmental assessment, we conclude that the action will not have a significant effect on the quality of the human environment.

Enclosure 4

Sample 2 - List of standard Congressional Addresses.

The Honorable Philip R. Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: The Honorable Carlos J. Moorhead

The Honorable Bob Graham, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: The Honorable Alan K. Simpson

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

cc: The Honorable James V. Hansen

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