

and Finance, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The NRC will pay the amount awarded to the applicant within 60 days.

### PART 13—PROGRAM FRAUD CIVIL REMEDIES

- Sec.
- 13.1 Basis and purpose.
  - 13.2 Definitions.
  - 13.3 Basis for civil penalties and assessments.
  - 13.4 Investigation.
  - 13.5 Review by the reviewing official.
  - 13.6 Prerequisites for issuing a complaint.
  - 13.7 Complaint.
  - 13.8 Service of complaint.
  - 13.9 Answer.
  - 13.10 Default upon failure to file an answer.
  - 13.11 Referral of complaint and answer to the ALJ.
  - 13.12 Notice of hearing.
  - 13.13 Parties to the hearing.
  - 13.14 Separation of functions.
  - 13.15 Ex parte contacts.
  - 13.16 Disqualification of reviewing official or ALJ.
  - 13.17 Rights of parties.
  - 13.18 Authority of the ALJ.
  - 13.19 Prehearing conferences.
  - 13.20 Disclosure of documents.
  - 13.21 Discovery.
  - 13.22 Exchange of witness lists, statements, and exhibits.
  - 13.23 Subpoenas for attendance at hearing.
  - 13.24 Protective order.
  - 13.25 Fees.
  - 13.26 Form filing and service of papers.
  - 13.27 Computation of time.
  - 13.28 Motions.
  - 13.29 Sanctions.
  - 13.30 The hearing and burden of proof.
  - 13.31 Determining the amount of penalties and assessments.
  - 13.32 Location of hearing.
  - 13.33 Witnesses.
  - 13.34 Evidence.
  - 13.35 The record.
  - 13.36 Post-hearing briefs.
  - 13.37 Initial decision.
  - 13.38 Reconsideration of initial decision.
  - 13.39 Appeal to authority head.
  - 13.40 Stays ordered by the Department of Justice.
  - 13.41 Stay pending appeal.
  - 13.42 Judicial review.
  - 13.43 Collection of civil penalties and assessments.
  - 13.44 Right to administrative offset.
  - 13.45 Deposit in Treasury of United States.
  - 13.46 Compromise or settlement.
  - 13.47 Limitations.

**Authority:** Public Law 99-509, secs. 6101-6104, 100 Stat. 1874 (31 U.S.C. 3801-3812). Sections 13.13 (a) and (b) also issued under section Pub. L. 101-410, 104 Stat. 890, as amended by section 31001(s), Pub. L. 104-134, 110 Stat. 1321-373 (28 U.S.C. 2461 note).

SOURCE: 56 FR 47135, Sept. 18, 1991, unless otherwise noted.

#### § 13.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Public Law No. 99-509, §§ 6101-6104, 100 Stat. 1874 (October 21, 1986) (31 U.S.C. 3801-3812). 31 U.S.C. 3809 requires each authority head to promulgate regulations necessary to implement the provisions of that Act.

(b) *Purpose.* This part (1) establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (2) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

#### § 13.2 Definitions.

As used in this part:

*ALJ* means an Administrative Law Judge in the authority appointed pursuant to 5 U.S.C. 3105 or detailed to the authority pursuant to 5 U.S.C. 3344.

*Authority* means the Nuclear Regulatory Commission.

*Authority head* means the Commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974 (88 Stat. 1242).

*Benefit* means, in the context of "statement", anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

*Claim* means any request, demand, or submission—

(a) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—