

Department of Energy

Pt. 820

Division, NN-43, Office of Arms Control and Nonproliferation.

[51 FR 44574, Dec. 10, 1986, as amended at 58 FR 39639, July 16, 1993; 65 FR 16128, Mar. 27, 2000]

§ 810.14 Additional information.

The Department of Energy may at any time require a person engaging in any generally or specifically authorized activity to submit additional information.

§ 810.15 Violations.

(a) The Atomic Energy Act provides that:

(1) Permanent or temporary injunctions or restraining orders may be granted to prevent any person from violating any provision of the Atomic Energy Act or its implementing regulations.

(2) Any person convicted of violating or conspiring or attempting to violate any provision of section 57 of the Atomic Energy Act may be fined up to \$10,000 or imprisoned up to 10 years, or both. If the offense is committed with intent to injure the United States or to aid any foreign nation, the penalty could be up to life imprisonment and a \$20,000 fine.

(b) Title 18 of the United States Code, section 1001, provides that persons convicted of willfully falsifying, concealing, or covering up a material fact or making false, fictitious or fraudulent statements or representations may be fined up to \$10,000 or imprisoned up to five years, or both.

§ 810.16 Effective date and savings clause.

Except for actions that may be taken by DOE pursuant to § 810.11, the regulations in this part do not affect the validity or terms of any specific authorizations granted under regulations in effect before April 26, 2000 (and contained in the 10 CFR, part 500 to end, edition revised as of January 1, 2000) or generally authorized activities under those regulations for which the contracts, purchase orders, or licensing arrangements were already in effect. Persons engaging in activities that were generally authorized under regulations in effect before April 26, 2000, but that require specific authorization under

the regulations in this part, must request specific authorization by July 25, 2000 but may continue their activities until DOE acts on the request.

[65 FR 16128, Mar. 27, 2000]

PART 820—PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES

Subpart A—General

Sec.

- 820.1 Purpose and scope.
- 820.2 Definitions.
- 820.3 Separation of functions.
- 820.4 Conflict of interest.
- 820.5 Service.
- 820.6 Computation and extension of time.
- 820.7 Questions of policy or law.
- 820.8 Evidentiary matters.
- 820.9 Special assistant.
- 820.10 Office of the docketing clerk.
- 820.11 Information requirements.
- 820.12 Classified, confidential, and controlled information.

Subpart B—Enforcement Process

- 820.20 Purpose and scope.
- 820.21 Investigations.
- 820.22 Informal conference.
- 820.23 Consent order.
- 820.24 Preliminary notice of violation.
- 820.25 Final notice of violation.
- 820.26 Enforcement adjudication.
- 820.27 Answer.
- 820.28 Prehearing actions.
- 820.29 Hearing.
- 820.30 Post-hearing filings.
- 820.31 Initial decision.
- 820.32 Final order.
- 820.33 Default order.
- 820.34 Accelerated decision.
- 820.35 *Ex parte* discussions.
- 820.36 Filing, form, and service of documents.
- 820.37 Participation in an adjudication.
- 820.38 Consolidation and severance.
- 820.39 Motions.

Subpart C—Compliance Orders

- 820.40 Purpose and scope.
- 820.41 Compliance order.
- 820.42 Final order.
- 820.43 Appeal.

Subpart D—Interpretations

- 820.50 Purpose and scope.
- 820.51 General Counsel.
- 820.52 Procedures.

Subpart E—Exemption Relief

- 820.60 Purpose and scope.

§ 820.1

10 CFR Ch. III (1–1–05 Edition)

- 820.61 Secretarial officer.
- 820.62 Criteria.
- 820.63 Procedures.
- 820.64 Terms and conditions.
- 820.65 Implementation plan.
- 820.66 Appeal.
- 820.67 Final order.

Subpart F—Criminal Penalties

- 820.70 Purpose and scope.
- 820.71 Standard.
- 820.72 Referral to the Attorney General.

Subpart G—Civil Penalties

- 820.80 Basis and purpose.
- 820.81 Amount of penalty.

APPENDIX A TO PART 820—GENERAL STATEMENT OF ENFORCEMENT POLICY

AUTHORITY: 42 U.S.C. 2201, 2282(a), 7191; 28 U.S.C. 2461 note.

SOURCE: 58 FR 43692, Aug. 17, 1993, unless otherwise noted.

Subpart A—General

§ 820.1 Purpose and scope.

(a) *Scope.* This part sets forth the procedures to govern the conduct of persons involved in DOE nuclear activities and, in particular, to achieve compliance with the DOE Nuclear Safety Requirements by all persons subject to those requirements.

(b) *Questions not addressed by these rules.* Questions that are not addressed in this part shall be resolved at the discretion of the DOE Official.

(c) *Exclusion.* Activities and facilities covered under E.O. 12344, 42 U.S.C. 7158 note, pertaining to Naval nuclear propulsion are excluded from the requirements of subparts D and E of this part regarding interpretations and exemptions related to this part. The Deputy Assistance Secretary for Naval Reactors or his designee will be responsible for formulating, issuing, and maintaining appropriate records of interpretations and exemptions for these facilities and activities.

§ 820.2 Definitions.

(a) The following definitions apply to this part:

Act or AEA means the Atomic Energy Act of 1954, as amended.

Administrative Law Judge means an Administrative Law Judge appointed under 5 U.S.C. 3105.

Consent Agreement means any written document, signed by the Director and a person, containing stipulations or conclusions of fact or law and a remedy acceptable to both the Director and the person.

Contractor means any person under contract (or its subcontractors or suppliers) with the Department of Energy with the responsibility to perform activities or to supply services or products that are subject to DOE Nuclear Safety Requirements.

Department means the United States Department of Energy or any predecessor agency.

Director means the DOE Official to whom the Secretary has assigned the authority to issue Notices of Violation under subpart B of this part, including the Director of Enforcement, or his designee. With regard to activities and facilities covered under E.O. 12344, 42 U.S.C. 7158 note, pertaining to Naval nuclear propulsion, the Director shall mean the Deputy Assistant Secretary for Naval Reactors or his designee.

Docketing Clerk means the Office in DOE with which documents for an enforcement action must be filed and which is responsible for maintaining a record and a public docket for enforcement actions commencing with the filing of a Preliminary Notice of Violation. It is also the Office with which interpretations, exemptions, and any other documents designated by the Secretary shall be filed.

DOE means the United States Department of Energy or any predecessor agency.

DOE Nuclear Safety Requirements means the set of enforceable rules, regulations, or orders relating to nuclear safety adopted by DOE (or by another Agency if DOE specifically identifies the rule, regulation, or order) to govern the conduct of persons in connection with any DOE nuclear activity and includes any programs, plans, or other provisions intended to implement these rules, regulations, orders, a Nuclear Statute or the Act, including technical specifications and operational safety requirements for DOE nuclear facilities. For purposes of the