

[7590-01]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 39, 40, 50, 52, 53, 54, 55, 60, 61, 70, 71, 72, 73, 74, 75, 95, 110, 140, 150



RIN 3150-AD62

Clarification of Statutory Authority for Purposes
of Criminal Enforcement

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to clarify the applicability of the existing criminal penalty provisions of the Atomic Energy Act of 1954, as amended (the Act), to willful violations of certain of the Commission's regulations. The rule identifies more clearly those current regulations which may subject the violator to criminal penalties for willful violation of, attempted violation of, or conspiracy to violate, those regulations.

*Pub. on 11/24/92
at 57FR55062
DS10*

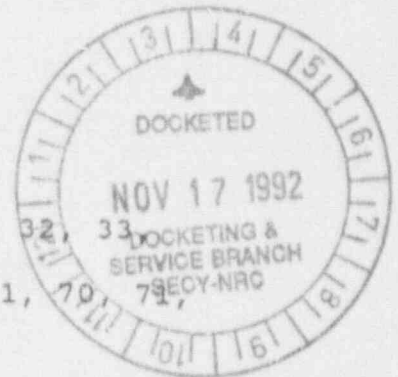
Sections 161b, 161i, 161o, 161p, and 161x, that provide the Commission with authority to issue regulations. The rulemaking authority delegated to the Commission in Sections 161b, 161i, and 161o provides the basis for most of the substantive rules issued by the Commission that are codified in 10 CFR Chapter I.

Section 161b of the Act authorizes the Commission to "establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property...." Section 161i states that the Commission may "prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to Section 53 or produced by any person in connection with any activity authorized pursuant to this Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, ...and (3) to govern any activity authorized pursuant to this Act, ...in order to protect health and to minimize danger to life or property." Section 161o authorizes the Commission to "require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in Section 31 and of activities under

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EFFECTIVE DATE: [30 days after the date of publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2741.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Analysis of Public Comments.
- III. The New Regulations.
- IV. Administrative Statements.

I. Background

On January 3, 1992 (57 FR 222), the Nuclear Regulatory Commission published in the Federal Register proposed revisions to its regulations which will clarify the applicability of the criminal penalty provisions of the Atomic Energy Act of 1954, as amended, to the NRC's regulations. The proposed rule was intended to identify more clearly those regulations which are issued under statutory authority that may subject the violator to criminal penalties for willful violation of, attempted violation of, or conspiracy to violate, those regulations.

The NRC's regulations are issued under authority of Section 161, among others, of the Atomic Energy Act of 1954, as amended (the Act). Within Section 161, there are five provisions,

Sections 161b, 161i, 161o, 161p, and 161x, that provide the Commission with authority to issue regulations. The rulemaking authority delegated to the Commission in Sections 161b, 161i, and 161o provides the basis for most of the substantive rules issued by the Commission that are codified in 10 CFR Chapter I.

Section 161b of the Act authorizes the Commission to "establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property...." Section 161i states that the Commission may "prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to Section 53 or produced by any person in connection with any activity authorized pursuant to this Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, ...and (3) to govern any activity authorized pursuant to this Act, ...in order to protect health and to minimize danger to life or property." Section 161o authorizes the Commission to "require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in Section 31 and of activities under

licenses issued pursuant to Sections 53, 63, 81, 103, and 104, as may be necessary to effectuate the purposes of this Act, including Section 105." Thus, the Commission's rulemaking authority in these Sections is the basis for the substantive rules of the Commission. Section 161x authorizes the Commission to establish, by regulation, standards to ensure financial security for decontamination and decommissioning of sites containing certain byproduct material, specifically mill tailings. The remaining Section (161p) authorizes the Commission to make, promulgate, issue, rescind, and amend rules and regulations which may be necessary to carry out the purposes of the Act. This last section pertains to administrative (nonsubstantive) regulations, as opposed to the substantive, specified matters of Sections 161b, i, and o. Section 161p is used for the promulgation of those rules that are necessary to administratively complement the rules issued pursuant to 161b, 161i, and 161o. In light of the more specific authority of Sections 161b, i, o, or x, Section 161p is considered a catchall provision that has no application where a different provision of Section 161 provides specific authority.

Section 222 of the Act provides criminal penalties for willful violation (including an attempted violation or a conspiracy to violate) of Sections 57, 92, and 101 of the Act, and unlawful interference with any recapture or entry under Section 108 of the Act. Section 223 of the Act provides criminal penalties for willful violation, including an attempted or a conspiracy violation, of any provision of the Act for which no

criminal penalty is specifically provided and for willful violation of any regulation or order prescribed or issued under Sections 65, 161b, 161i, or 161o of the Act.

In the past the NRC has provided notice as to which regulations are subject to the penalty provisions of Section 223 by including a paragraph in the authority citation for each affected part of 10 CFR Chapter I that identifies provisions of the appropriate regulations, by section or paragraph, that the NRC considers promulgated under Sections 161b, 161i, or 161o. However, the NRC has identified several problems with this method of providing notice. It may not always be readily apparent from a statement in the authority citations for each part that the purpose of that statement is to provide notice of potential criminal penalties for certain willful violations. To fully appreciate this notice, a reader needs to understand the rulemaking provisions of Sections 161b, 161i, and 161o, as well as the criminal penalty provisions of Section 223. From time to time, errors have been made which hampered the effectiveness of including the criminal penalty notice provisions in the authorities sections. In some instances, authority citations have been simply to Section 161 without any indication of which Subsection of 161 was used to promulgate the regulation. Substantive regulations, such as 10 CFR 50.7(a), which addresses discrimination against an employee for raising safety concerns, were overlooked. When § 50.7(a) was originally issued, there was no specific notice in the authority section that this section was issued under Sections 161b, 161i, or 161o. This oversight

resulted in a failure to provide notice to the public that this substantive regulation was promulgated under the specific subsections for which the Act provides criminal penalties for willful violations.¹ These types of problems have affected the NRC's ability to refer cases to the Department of Justice and seek an appropriate criminal remedy.

The NRC has considered how to provide more effective and consistent notice of criminal penalties for willful violations of specific regulations. The NRC has also considered how to minimize imprecision that could jeopardize appropriate criminal enforcement action against those who willfully violate these regulatory requirements. As more fully explained in Part III of the Supplementary Information section, the final rule restructured the notice provisions to accomplish these ends.

II. Analysis of Public Comments.

In response to the January 3, 1992, proposed rule, the NRC received comments from eleven organizations or individuals. Five of the comments were from members of the medical community, including hospitals and medical societies. Three sets of comments were received from utilities with nuclear facilities. One set was submitted by a nuclear industry organization. Two sets of comments were received from law firms that represent nuclear utilities. The commenters generally were critical of

¹ The omission as to 10 CFR 50.7(a) was subsequently corrected. (March 21, 1990; 55 FR 10404).

certain features of the proposed rule. The NRC's consideration of the comments follows.

A. Legal Issues.

1. NRC authority.

Comment. The NRC has exceeded its authority to issue regulations under Sections 161b, i, and o. Some commenters complained that the range of Commission regulations to which criminal penalties attach was too broad, in that Congress did not intend to make all substantive NRC regulations subject to criminal penalties.

Response. The sole piece of legislative history from the 1954 Act cited in support of this position is that Section 223 is characterized as establishing "the criminal penalties for violation of ... rules and regulations issued under certain specified limited statutory authority." (Emphasis added by commenter). The NRC believes, however, that Section 223 is clear on its face. Section 223 states that criminal penalties are available for every willful violation of regulations issued under Section 65 and Sections 161b, i, and o; these sections of the Act are the "certain limited statutory authority" to which the legislative history refers.

Some commenters also stated that the approach used by the NRC appears to violate the general rule of statutory construction

that criminal statutes are to be strictly construed and are not to be extended by inference or implication. As stated above, however, Section 223 is clear, and the NRC's approach is intended to provide notice, not to extend the reach of Section 223 by inference, implication or otherwise. The rule as drafted clearly states in each 10 CFR Part that all regulations in the Part are subject to criminal penalty except those specifically enumerated as excepted. This language is straightforward, unambiguous, and constitutes clear notice in a narrative form, replacing the legalistic notice contained in the legal authority provisions. A person should reasonably be able to read this new rule and understand that, unless specifically excepted in the new rule, a willful violation of any NRC regulation in the 10 CFR Part may subject a person to criminal liability.

A few commenters pointed to Sections 206 and 210 of the Energy Reorganization Act as evidence that Congress did not intend criminal penalties to attach to violations of NRC regulations implementing those sections, e.g., 10 CFR 50.7. However, the legislative history shows only that the Congress determined that certain individuals violating the provisions of Section 206 itself should be subject to civil penalties, not that a violation, with the requisite criminal degree of willfulness, of regulations issued under the Act would be subject to civil penalties only. Moreover, there is no provision in Section 206 that explicitly authorizes the issuance of regulations. The specific authority for these regulations is found in Sections 161b and 161o of the Act. Because adequate authority to issue

regulations had already been granted under those provisions of the Atomic Energy Act, it was not necessary that Section 206 of the Energy Reorganization Act grant explicit authority to issue regulations under that Act. As to Section 210, that provision provides no direct authority to the NRC. Rather, the drafters of that provision recognized the existing authority under the Atomic Energy Act. The clear purpose of Section 210 was to provide a mechanism for individuals to obtain a remedy for discrimination. Thus, the legal authority for 10 CFR 50.7 and similar regulations in other 10 CFR Parts is Section 161i of the Atomic Energy Act as well as Section 210.

The Commission has maintained that the scope of the Atomic Energy Act is broad enough that its authority extends to the regulation of those supplying the components of a facility or activity regulated under that Act. The legislative history of the Energy Reorganization Act supports this view and suggests that Section 206 was a mandate from the Congress to the Commission to exercise its preexisting authority. Section 206 was enacted by the Congress in response to an increase in safety defects, to emphasize the need for prompt identification of deficiencies at all levels of facility construction, including components supplied by vendors. Citing the fact that component failures accounted for more than half of the abnormal occurrences reported to the Atomic Energy Commission (AEC) in 1973, the Congress determined to provide, specifically, for the reporting of safety defects and noncompliance, and Section 206 emphasizes the importance of prompt reporting. Section 206 should not be

interpreted as an extension of AEC authority, but rather as a mandate by the Congress that the AEC must exercise its authority to compel prompt reporting by both licensees and vendors. The Commission interprets the statement in the Senate Committee Report that there is no "similar provision" in the Atomic Energy Act requiring the reporting of safety defects and noncompliance as just that and not as a statement that there is no authority in the Act to require this type of reporting. Section 206(a) limits the civil penalty liability of individuals to individual directors and responsible officers of firms who knowingly or consciously fail to report as required, and does not otherwise address the NRC's enforcement authority. Because the regulations issued to implement Section 206 could have been issued solely on the basis of the authority contained in the 1954 Act, Sections 161b, i, and o are clear authority for their issuance. The NRC has also addressed this issue in the Statement of Considerations for the recent rule on Deliberate Misconduct by Unlicensed Persons (56 FR 40664; August 15, 1991).

Some of the same commenters also noted that the conferees substituted the words "knowingly and consciously" for the words "knowingly and willingly" when the provision for criminal penalty in Section 206 was eliminated. The commenters cite this language as proof that Congress did not provide for criminal penalties for violation of this section, and the Commission does not disagree with this interpretation. That is not the same thing as saying, as the commenters do, that Congress failed to provide for criminal penalties for willful violation of the regulations

issued to enforce Section 206. The relevant section in this case is Section 223 of the Atomic Energy Act, which provides for criminal penalties against one who "willfully violates" any regulation issued under Section 161b, i, or o of the Act. Because the Part 21 regulations are issued under these Sections, willful violation of those regulations subjects a violator to criminal penalties under Section 223.

One commenter cited Kerr-McGee Chemical Corp. (Kress Creek Decontamination), ALAB-885, 27 NRC 59 (1988), for the proposition that the Atomic Safety and Licensing Appeal Board has specifically disapproved the practice of citing Sections 161b, i, and o as general authority for regulations issued to implement completely separate legislation. That case involved the use by the NRC of regulations promulgated by another regulatory agency and accordingly is distinguishable from the situation at hand.

2. Retroactivity.

Comment. The rule should clearly state that it will not operate retroactively.

Response. A few commenters urged that the rule should expressly state that it will not operate retroactively. While the new rule will not operate retroactively, it is not necessary to so state in regulatory text. A sentence has been added to the Supplementary Information section that explicitly states that the rule will not operate retroactively.

There are two categories of regulations that are impacted by the final rule. The first category is the large group of regulations that previously contained a statement, in the authority citation for the Part, identifying the regulation as being promulgated under Section 161b, i, or o, for purposes of Section 223. The second category is comprised of those substantive regulations where the authority citation did not previously state that the regulations were issued under Section 161b, i, or o.

As to the regulations for which appropriate notice was provided through the statement in the authority citation, criminal penalties have been, and continue to be, available for willful violations occurring prior to the enactment of the final rule. In these cases, there would be no reliance on the final rule for the notice of potential criminal penalties. Because any criminal prosecution based on actions or occurrences before the effective date of the new rule would not rely on that rule, Bowen v. Georgetown University Hospital, 488 U.S. 204 (1988), cited in the comments for the presumption against retroactivity of administrative rules, is inapposite, as is the argument that the final rule could be an "ex post facto" criminal law prohibited by the Constitution. Prospectively, the final rule provides notice of potential criminal liability for willful violations of these regulations by a narrative statement in a substantive rule rather than by the more legalistic format of citing it in the authority citation.

For regulations not previously stated to be subject to criminal penalties, the final rule provides notice of potential criminal penalties for willful violations. For these regulations, the NRC agrees that the final rule cannot be relied upon for notice of potential criminal liability for violations occurring before the effective date of the final rule. Thus, there will be no retroactive operation of the final rule to these regulations.

3. Authority to impose criminal penalties; allocation of specific sections,

Comment. One commenter stated that the NRC should reevaluate whether each section of its regulations was adopted under the authority of a specific section of the Act. The commenter also argued that the failure of the substantive/administrative distinction is illustrated by the NRC's failure to explain in the notice of proposed rulemaking why some sections are subject to criminal sanctions while similar sections are not, e.g., § 72.106 is covered, but the other sections providing siting evaluation factors, (§§ 72.92, 72.94, 72.98, 72.100, 72.104) are not covered and § 110.9a is covered but other sections also listing plant material and equipment (§§ 110.8, 110.9) are not covered.

Response. As indicated in the January 3, 1992 proposed rule, prior to publishing the proposed rule, the NRC evaluated each section in its regulations to identify which sections are promulgated under Sections 161b, 161i or 161o of the Act. The

proposed rule also explained that, in determining which regulations are substantive, the NRC intended to include those regulations that create duties, obligations, conditions, restrictions, limitations, and prohibitions. The regulations to be included are those that describe activities requiring an NRC license, the actions and conduct required of a licensee under license conditions, and the information a licensee must collect, report, record and protect.

In consideration of the comments received on the proposed rule, the NRC reviewed the determinations of the sections in its regulations that are promulgated under Sections 161b, 161i or 161o. With respect to the specific sections addressed by the comments, several changes have been made in the allocations and the reasons for the NRC's determinations are explained in Part III of this Supplementary Information. As to the remaining sections in the regulations, the NRC adheres to the prior determinations.

4. Use of Criminal Penalties.

Comment. One commenter stated the view that the NRC should reevaluate whether it is sound public policy to impose criminal penalties for each regulation in the proposed rule. In support of this view, the commenter contended criminal penalties should be narrowly applied and deference should be given to due process in the criminal context.

Response. As stated above, Section 223 of the Act expressly provides for criminal penalties for a willful violation of (or an attempt or conspiracy to willfully violate) any regulation prescribed or issued by the NRC under the Act's substantive rulemaking authorities. The Act therefore incorporates the judgment that it is sound public policy to provide criminal penalties for willful violation of substantive regulations the Act authorizes NRC to prescribe. Moreover, criminal penalties furnish an important, additional enforcement tool to ensure compliance and to deter future violations. See Memorandum of Understanding between the Nuclear Regulatory Commission and the Department of Justice (53 FR 50317; December 14, 1988).

5. Inadequate justification for allocation of sections.

Comment. One commenter expressed the view that the proposed rule would designate regulations for criminal penalties wholesale without specific explanation of the rationale for specific sections or paragraphs and would reverse prior determinations in this regard. The commenter included an appendix that lists the sections in the Commission's existing regulations which are not presently subject to Section 223, but would be made subject by the proposed rule. The appendix also lists sections, of which only certain subsections are currently subject to Section 223, which would be made entirely subject to Section 223 by the proposed rule.

The commenter also stated that the general notice of proposed rulemaking did not sufficiently identify the pertinent changes to permit careful analysis of issues of potentially great significance. The commenter also stated that the proposed rule involves changes of substance, as opposed to format, and argued that, because of the many affected sections, the explanation in the notice did not offer adequate opportunity to comment on the proposed changes.

Response. The proposed rule provided notice of the proposed action and a statement of the NRC's rationale which covered each potentially affected section of NRC regulations. The proposed rule stated, among other things, that the intent of the rule was to identify more clearly and consistently those particular sections of NRC regulations that include criminal enforcement penalties. The proposed rule also explained that, for purposes of determining the specific NRC regulations prescribed under the rulemaking authorities that include criminal penalties, the NRC included regulations creating duties, obligations, conditions, restrictions, limitations and prohibitions. The proposed rule noted that these regulations include regulations that describe the activities requiring a license, the actions and conduct required of licensees under license conditions, and the information to be collected, reported, recorded and protected by a licensee and NRC. Any commenter was free to express views in light of the rationale given in the proposed rule and to comment on each section of NRC regulations which the NRC had identified as included under the Act's rulemaking provisions covered by

criminal penalties. In fact, some interested persons so commented, as reflected in other parts of this notice. (See discussion of § 50.7, etc. in response II.A.1).

With respect to the commenter's first listing -- those sections of NRC regulations which were not identified, prior to the proposed rule, as prescribed under the rulemaking provisions covered by the Act's criminal penalties -- the proposed rule explained that from time to time, errors had been made in providing notice of the criminal penalty provisions of the Act and that, in some instances, the provisions had not been specified or were overlooked. The proposed rule also stated that the purpose of the proposed rule was to remedy prior errors and oversights, minimize errors that could jeopardize appropriate enforcement action, and eliminate uncertainty and provide clear and consistent notice. Thus, commenters were apprised of the agency's underlying intentions, were able to identify the specific regulatory sections which would be affected, and were free to provide their views on NRC's proposal.

As to the commenter's second listing -- those parts of the NRC's regulations which had identified some, but not all, sections as subject to criminal penalties prior to the proposed rule -- the proposed rule stated that the NRC considered how best to provide notice which would minimize errors that might potentially jeopardize appropriate enforcement action and which would eliminate uncertainty and provide clear and consistent notice. The proposed rule also stated that the NRC was proposing

to adopt a standard format for all 10 CFR Parts and explained that the proposed standard format would specifically identify any non-substantive sections of the regulations so as to exclude from criminal enforcement penalties "those sections that are mainly administrative and do not address substantive matters." Thus, interested parties were apprised of the NRC's intention to adopt a standard notice format that would identify sections of NRC regulations that were promulgated under Sections 161b, i, or o and, accordingly, would not single out particular subsections or paragraphs of its regulations for there to be excluded from criminal enforcement penalties. In this connection, the standard notice format, by focusing on sections of NRC regulations, will eliminate the opportunity for error that had existed in the past.

6. Specificity of sections to support criminal prosecution.

Comment. One commenter contended that many sections of the NRC's existing regulations, which the NRC was proposing to make subject to criminal penalties, are not sufficiently clear to put individuals on notice of the conduct to be penalized. In support of this view, the commenter questioned what conduct would willfully violate § 52.63 given that some paragraphs cover actions of the NRC itself. The commenter expressed the view that the NRC should consider whether § 52.63 would give adequate notice of the legal standards being imposed.

Response. As to the general comment questioning the clarity of existing NRC requirements, NRC regulations do provide clear

and adequate notice of the legal standards applicable to all persons subject to the regulations, including applicants and licensees. In addition to the regulatory language of the provisions themselves, the structure, history and motivating purpose for a particular regulation generally lend further certainty to the conduct to be punished. Moreover, to answer any reasonable doubt that may persist for a particular requirement, persons subject to NRC regulations have available to them all of the explanatory information compiled in an open rulemaking process as well as a body of public, detailed, and explicit NRC regulatory guidance and virtually all related NRC information.

Further, the Commission's intent in the present rulemaking is not to rewrite regulations or establish which provisions should be subject to criminal enforcement. The latter was done by the Congress. Rather, this rulemaking is merely to give notice of which regulations are subject to criminal enforcement by virtue of having been issued under Sections 161b, i, or o. Whether a published regulation is adequate to maintain a criminal prosecution is left for the Department of Justice to decide in a given case. Therefore, this rulemaking does not address the possibility that in a given criminal prosecution, the NRC's authority for a specific regulation might be challenged.

With respect to § 52.63, the regulation provides clear and adequate notice; it prescribes certain actions by a licensee with respect to a standard design certification, provides that the licensee may make design changes without prior Commission approval under specified circumstances, and requires the licensee

to maintain and make available records of all facility changes until license termination.

B. Policy Issues.

1. General.

a. Adequacy of current enforcement mechanisms.

Comment. Two commenters indicated that current enforcement mechanisms are adequate and questioned the need for the rulemaking.

Response. The Congress, in Section 223 of the Act, provided that willful violations of regulations that are promulgated under certain sections of the Act are subject to criminal penalties. Thus, the Congress has given notice of possible criminal prosecution for violations of requirements promulgated under certain specified statutory provisions.

The NRC, in its regulations, has in the past provided notice of what has been promulgated under those specified statutory provisions. Given that the authority for a regulation is Section 161b, 1, or c of the Act, criminal sanctions follow by virtue of the terms of Section 223. The NRC has no choice as to what is potentially criminal or not. To give clearer notice, this rulemaking clarifies the impact of promulgating a regulation under those specific provisions. Thus, this rulemaking will make

it easier for persons subject to NRC regulations to know what conduct may be subject to criminal prosecution and, therefore, provide additional deterrence against willful violations.

The final rule provides a more straight-forward system of providing notice of which regulations are subject to criminal enforcement. Some comments on the proposed rule incorrectly suggest that the NRC is embarking on a new effort here. These comments may reflect a lack of understanding of the prior manner of giving notice. With some exceptions, regulations remain in the same posture vis-a-vis criminal prosecution as they were prior to this rulemaking. The changes that are being made are to correct prior errors and to harmonize treatment of similar provisions among the various parts of 10 CFR Chapter I. These changes are further described in Part III of the Supplementary Information section.

b. Effect on licensee performance.

Comment. One commenter was concerned that the proposed regulations could have an adverse effect on licensee performance. The commenter suggested that while the NRC seeks early access to information as to an event, a licensee might be hesitant to submit information at an early stage out of fear that the information might later be found to be incorrect, and thus the provider of the original false information could be subject to criminal liability. Therefore, the licensee would delay submitting information to be more certain of its accuracy.

Response. This rulemaking does not change the situation for licensees. Licensees have always been subject to prosecution for material false statements under 18 U.S.C. 1001. The NRC's reporting regulations and their requirements to submit complete and accurate information were promulgated under Section 1610 and, therefore, a person providing false information has, in the past, been subject to a potential criminal prosecution (52 FR 49362; December 31, 1987).²

The NRC believes that rather than diminishing licensee performance, the final rule should improve it. The rule provides greater clarity as to just what actions are -- and are not -- subject to criminal prosecution. To the extent that the possibility of prosecution deters improper behavior, the rule furthers that concept. As for reporting information, the threat of prosecution is only a concern to those who would supply incorrect information with the intent of doing so, or intentionally withhold information, knowing that reporting is required. If a report made in good faith is based on the best information available when submitted, a later correction based on additional information or analysis would not render the provider

² One commenter believed that the proposed rule would make 10 CFR 50.9 newly subject to criminal enforcement. When promulgated, § 50.9 (and other similar sections) were all promulgated under Section 1610 of the Act, and were noticed as being subject to criminal enforcement. Confusion may have occurred concerning this section, as the 10 CFR published for 1988 and 1989 showed the section correctly under the Authority listing, but apparently due to an error it was omitted when republishing the Authority listing in a later rulemaking and the volumes published thereafter. This type of situation illustrates one reason for the adoption of this final rule.

of the original information subject to criminal prosecution. Because the NRC presumes that licensees discourage criminal behavior, this final rule should not adversely impact licensee performance.

c. Effect on licensee's ability to attract personnel.

Comment. The proposed rule would have an adverse effect on licensees' ability to attract personnel because it would add a layer of liability.

Response. The considerations expressed in the previous responses apply to this comment as well. The NRC regulations that are substantive, if willfully violated, are already subject to criminal penalties. These same regulations have been subject to criminal penalties since their promulgation. The NRC believes licensees seek to employ people who desire to perform a job properly and in compliance with all requirements.

2. Specific Medical Issues.

a. Effect on medical practice and patient care.

Comment. The regulations impinge on or are incompatible with the practice of medicine or efficient patient care and deviation from the regulations is sometimes necessary. Therefore, making these provisions subject to criminal penalty puts practitioners in an untenable situation.

Response. The NRC does not agree that the regulations are incompatible with the practice of medicine or efficient patient care. The NRC is sensitive to patient care needs and has gone to great lengths to avoid any intrusion or interference in the exercise of physicians' judgment regarding what is the best medical treatment for their patients. This approach is consistent with the NRC's Medical Use Policy statement (44 FR 8242; February 9, 1979). In those infrequent cases when patient care may be impacted by compliance with the regulations or license conditions, such as lifesaving situations, situations where the procedure is not readily available at another institution nearby, or situations in which the physician believes the procedure is the procedure of choice for the patient and it is consistent with other applicable regulations, appropriate and timely actions are recommended by the licensee and approved by the NRC on a case-by-case basis.

b. Regulation of practice issues by the states.

Comment. Medical and pharmacy practice and malpractice issues are regulated by the states and should not be regulated by the NRC as well.

Response. Although medical and pharmacy practice and malpractice are regulated by the states, NRC regulations are based on the Atomic Energy Act which provides an independent basis for Federal regulation of nuclear materials. Although NRC and state regulations may cover the same activity, drug or

device, they cover separate aspects of the activity, drug or device. State boards of pharmacy license facilities, including radiopharmacies, for the practice of pharmacy; whereas the NRC licenses radiopharmacies for the possession and use of licensed material and is concerned with the safe handling and use of the licensed material. State boards of medicine license individual physicians to practice medicine to include all aspects of patient care. NRC regulations focus on the safe use of licensed material by authorized user physicians. As part of its criteria for authorization, the NRC requires that physicians be licensed by a state board of medicine. Therefore, enforcement of NRC regulations, including criminal penalties for willful violations of NRC regulations, is independent of activities of the states.

c. Need to delay the rule or exclude certain areas.

Comment. The proposed rulemaking should not apply to Parts 33, 34, and 35. Application of the rule to these Parts should be delayed until medical regulations are revised or should exclude violations relating to patient care.

Response. The criminal penalty provisions of the Act are already applicable to 10 CFR Parts 33, 34, and 35. The final rule adds notice of criminal penalties to one section of 10 CFR Part 34, § 34.4, concerning records, to harmonize with other NRC recordkeeping requirements. The final rule also adds notice of criminal penalties to two sections of 10 CFR Part 35, § 35.5, also concerning records in order to harmonize with other NRC

recordkeeping requirements and § 35.972, concerning recentness of training. Therefore, as to the noted parts, the final rule mainly restates, in a more consistent and clear manner, those regulations which may subject the violator to criminal penalties.

d. Effect on research.

Comment. The proposed regulations will stymie research.

Response. As indicated in the response to the previous comment, the criminal penalty provisions of the Act already apply, to the same extent, to research programs under Part 35. The clarifications in this rulemaking, except as noted above, merely restate the current authority. There is no indication in the comment that these provisions have stymied research in the past.

III. The New Regulations.

The NRC considered how to best provide notice as to which regulations are issued under Sections 161b, 161i, or 161o, and to minimize errors that could jeopardize appropriate enforcement action. To eliminate any uncertainty and to provide clearer and more consistent notice of criminal penalties for willful violations of specific regulations, the Commission is adopting a standard format for identifying those regulations that, if willfully violated, are subject to criminal enforcement penalties. While the statement of general authority for each

part will remain the same, the authority citations will no longer provide notice by the inclusion of a specific reference to those regulations issued under Sections 161b, 161i, or 161o for the purpose of Section 223 of the Act. These paragraphs within the authority citations are removed.

Instead, each appropriate part in 10 CFR Chapter I contains a section that addresses criminal penalties. The new "Criminal penalties" section added to each Part in this final rule contains a statement that for the purposes of Section 223 all the regulations in the part are "issued under one or more of Sections 161b, 161i, or 161o," except as otherwise noted in a separate paragraph. Any section of the regulations which is not substantive in nature is specifically identified and excluded from criminal enforcement penalties. Those sections that are mainly administrative and do not address substantive matters are excluded.

In addition, it is the NRC's intention, when each new regulation is promulgated in the future, to include, when applicable, a statement in the Supplementary Information published in the Federal Register that the regulation is issued under Sections 161b, 161i, or 161o. If a regulation is not issued under one of these sections, the criminal penalty section for the part in which the regulation is contained will be amended to specifically include the new regulation provisions in the listed exceptions. The inclusion of a "Criminal penalties" provision in the body of regulations in each substantive part

will provide explicit notice of potential criminal penalties and should enable all persons subject to the rules to readily determine whether willful violation of the regulation could result in criminal liability, such as a fine or imprisonment. The provisions of this final rule take effect on the date specified and are not retroactive.

As stated above, in determining which NRC regulations are substantive and, accordingly, are promulgated under Sections 161b, 161i, or 161o of the Act, the NRC has included those rules that create duties, obligations, conditions, restrictions, limitations, and prohibitions. Regulations that are considered substantive include those that describe which activities require an NRC license, what a licensee must do under license conditions, and what information is required to be collected, reported, recorded, and protected by licensees and the NRC.³

The regulations stating what is to be submitted in an application for an NRC license have not been included as substantive regulations. This is because those requirements are stated in a general manner without language that specifically imposes a requirement. Nonetheless, any willful submission of material false information to the NRC in a license application remains subject to criminal enforcement as a violation of the

³In the case of a regulation issued under Sections 161b, i, or o, which refers to an appendix (e.g., 10 CFR 50.54(o) referring to Appendix J - Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors), the appendix is also deemed to have been issued under Sections 161b, i, or o.

NRC's regulations on completeness and accuracy of information (See e.g., 10 CFR 30.9, 50.9, and similar provisions) and under the provisions of 18 U.S.C. 1001. In a few instances, a section that appears similar to the application requirement sections discussed above is issued under Section 161b, i, or o, and subject to criminal prosecution, because the section also contains a provision that imposes a specific requirement, such as § 50.34(e), which requires an applicant to protect Safeguards Information. This is a result of the decision to address regulations at the section level and not attempt to separate paragraphs that have substantive provisions from paragraphs that do not. This decision was made because the practice of listing at the paragraph level frequently contributed to errors and confusion in the past. Thus, as discussed in the response to comment II.A.5, the standard format adopted in this rulemaking addresses material at the section level.

As noted in some of the responses to comments, some sections that were not previously noticed as subject to criminal enforcement have been included under the criminal enforcement provisions effective with this rule. Notice of the application of Section 223 of the Act may have been overlooked when those regulations were originally promulgated. In other cases, the reference may have been simply to their being promulgated under Section 161, without further designation, and this rulemaking resolves any potential issue as to their status. As noted, other sections are included because they contain a substantive requirement in one or more paragraphs, and their inclusion is

appropriate under the standard format developed in this rulemaking. Also, some sections are being included to make their treatment consistent with similar sections in other parts of 10 CFR Chapter I.

In light of comments received and subsequent further analysis, a few changes in the allocation of sections have been made since the notice of proposed rulemaking was published. These changes are reflected in this final rule. Included among those changes are §§ 31.7 and 40.22 which have been identified as being issued under Section 161b, i, or o, as they contain substantive provisions, and to conform with the treatment of similar provisions concerning general licensees. Section 71.1 is also being identified as issued under Section 161b, i, or o, to treat it in the same manner as § 60.4, which contains similar substantive provisions. Sections 72.92, 72.94, 72.98, 72.100, 72.102, and 72.104, concerning siting evaluation factors for storing spent fuel and waste, are presently listed as being promulgated under provisions of Section 161i of the Act, and are, therefore, subject to criminal enforcement. The proposed rule would have changed that allocation and treated these sections as nonsubstantive. After review of comments and further evaluation, these sections are being retained in the group promulgated under Section 161b, i, or o, because they set forth important substantive criteria that must be met. This treatment is consistent with the treatment of § 72.106. Among the changes, §§ 110.28 and 110.29 are substantive and therefore are included. These sections do not stand alone, but rather are related to

other substantive sections that specifically refer to them (e.g., §§ 110.22, 110.23, 110.24, and 110.25) and are subject to criminal sanctions. Similarly, §§ 110.8 and 110.9 are being identified as substantive to achieve consistency with § 110.9a and because these sections relate to the restrictions enunciated in §§ 110.5 and 110.6 which are subject to criminal sanctions. This change also resolves the question raised by a commenter (see II.A.3.) as to the seemingly disparate treatment of § 110.9a, which resulted from an error in the printing of the proposed rule. Sections 110.123 and 110.125 are being identified as substantive in light of the significance of the obligations specified in those sections and the treatment of comparable sections in Part 110. The reference to § 110.144 was a printing error and has been corrected to read § 110.124.

In addition, the MRC noted in the proposed rule that inconsistent language had been used in the various parts to describe civil remedies, and that a few parts did not contain any such provision. The final rule adopts consistent language in each part and adds those provisions to parts that may be the basis for civil enforcement action. This action does not add any new sanction, but clarifies that civil and criminal enforcement authority is available. Previous provisions as to criminal sanctions that appeared in "Violations" sections in some parts have been deleted because they are replaced by the new "Criminal Penalties" sections.

IV. Administrative Statements.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 USC 3501, et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers: 3150-0001, 0002, 0007, 0008, 0009, 0010, 0011, 0014, 0015, 0016, 0017, 0018, 0020, 0032, 0035, 0036, 0039, 0044, 0046, 0047, 0055, 0062, 0123, 0126, 0127, 0130, 0132, 0135, 0146, 0151, and 0155.

Regulatory Analysis

The NRC has prepared this regulation in order to identify the provisions of its regulations that are issued under Section 223 of the Act for purposes of imposing criminal penalties on those who willfully violate those regulatory requirements. The NRC recognizes a need to clearly, simply, and accurately identify these provisions to provide public notice that violations of certain provisions may subject the violator to criminal penalty. The amendments presented in this rule are intended to accomplish this objective. This rule does not result in the creation of new

potential liabilities and imposes no new requirements on NRC licensees. This discussion constitutes the regulatory analysis for this rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule will not result in the creation of any new potential liabilities and will not impose new or additional requirements on NRC licensees.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this rule, and, therefore, a backfit analysis is not required for this rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 11 - Criminal penalties, Hazardous materials - transportation, Investigations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

10 CFR Part 19 - Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20 - Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 21 - Nuclear power plants and reactors, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 25 - Classified information, Criminal penalties, Investigations, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 26 - Alcohol abuse, Alcohol testing, Appeals, Chemical testing, Criminal penalties, Drug abuse, Drug testing,

Employee assistance programs, Fitness for duty, Management actions, Nuclear power reactors, Protection of information, Reporting and recordkeeping requirements.

10 CFR Part 30 - Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 31 - Byproduct material, Criminal penalties, Labeling, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 32 - Byproduct material, Criminal penalties, Labeling, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 33 - Byproduct material, Criminal penalties, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 34 - Criminal penalties, Packaging and containers, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 35 - Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 39 - Byproduct material, Criminal penalties, Nuclear material, Oil and gas exploration - well logging, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

10 CFR Part 40 - Criminal penalties, Government contracts, Hazardous materials - transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50 - Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 52 - Administrative practice and procedure, Antitrust, Backfitting, Combined license, Criminal Penalties, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting

criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 53 - Administrative practice and procedure, High-level waste, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Spent fuel, Waste treatment and disposal.

10 CFR Part 54 - Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Incorporation by reference, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 55 - Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 60 - Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61 - Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70 - Criminal penalties, Hazardous materials - transportation, Material control and accounting, Nuclear

materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71 - Criminal penalties, Hazardous materials - transportation, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

10 CFR Part 72 - Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 73 - Criminal penalties, Hazardous materials - transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 74 - Accounting, Criminal penalties, Hazardous materials - transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 75 - Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95 - Classified information, Criminal penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110 - Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 140 - Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 150 - Criminal penalties, Hazardous materials - transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 11, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 39, 40, 50, 52, 53, 54, 55, 60, 61, 70, 71, 72, 73, 74, 75, 95, 110, 140, and 150.

PART 11 - CRITERIA AND PROCEDURES FOR DETERMINING
ELIGIBILITY FOR ACCESS TO OR CONTROL OVER
SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 11 continues to read as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 11.15(e) also issued under sec. 501, 85 Stat. 290 (31 U.S.C. 483a).

2. A new center heading "Violations" and § 11.30 are added directly after § 11.21 to read as follows:

VIOLATIONS

§ 11.30 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

3. Section 11.32 is added directly after § 11.30 to read as follows:

§ 11.32 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation

of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all regulations in Part 11 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section

(b) The regulations in Part 11 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 11.1, 11.3, 11.5, 11.7, 11.8, 11.9, 11.16, 11.21, 11.30, and 11.32.

PART 19 - NOTICES, INSTRUCTIONS, AND REPORTS
TO WORKERS; INSPECTION AND INVESTIGATIONS

4. The authority citation for Part 19 is revised to read as follows:

AUTHORITY: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

5. Section 19.30 is revised to read as follows:

§ 19.30 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

6. Section 19.40 is added to read as follows:

§ 19.40 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 19 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 19 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 19.1, 19.2, 19.3, 19.4, 19.5, 19.8, 19.16, 19.17, 19.18, 19.30, 19.31, and 19.40.

PART 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

7. The authority citation for Part 20 (including §§ 20.1 through 20.2402) is revised to read as follows:

AUTHORITY: secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

8. Section 20.601 is revised to read as follows:

§ 20.601 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

9. Section 20.602 is added to read as follows:

§ 20.602 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in §§ 20.1 through 20.602 are issued under one or more of Sections 161b,

161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in §§ 20.1 through 20.602 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 20.107, 20.108, 20.204, 20.206, 20.302, 20.306, 20.501, 20.502, 20.601, and 20.602.

§ 20.2401 [Amended]

10. In § 20.2401, paragraph (c) is removed.

11. Section 20.2402 is added directly after § 20.2401 to read as follows:

§ 20.2402 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in §§ 20.1001 through 20.2402 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in §§ 20.1001 through 20.2402 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 20.1001, 20.1002, 20.1003, 20.1004, 20.1005, 20.1006, 20.1007, 20.1008, 20.1009, 20.1704, 20.1903, 20.1905, 20.2002, 20.2007, 20.2301, 20.2302, 20.2401, and 20.2402.

PART 21 - REPORTING OF DEFECTS AND NONCOMPLIANCE

12. The authority citation for Part 21 is revised to read as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2201, 2282); secs. 201, as amended, 206, 88 Stat. 1242, as amended 1246 (42 U.S.C. 5841, 5846).

Section 21.2 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

13. Section 21.62 is added directly after § 21.61 to read as follows:

§ 21.62 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any

regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 21 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 21 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 21.1, 21.2, 21.3, 21.4, 21.5, 21.7, 21.8, 21.61, and 21.62.

PART 25 - ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

14. The authority citation for Part 25 is revised to read as follows:

AUTHORITY: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841,; E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

§25.37 [Amended]

15. In § 25.37, paragraph (c) is removed.

16. Section 25.39 is added directly after § 25.37 to read as follows:

§ 25.39 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 25 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 25 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 25.1, 25.3, 25.5, 25.7, 25.8, 25.9, 25.11, 25.19, 25.25, 25.27, 25.29, 25.31, 25.37, and 25.39.

PART 26 - FITNESS FOR DUTY PROGRAMS

17. The authority citation for Part 26 is revised to read as follows:

AUTHORITY: Secs. 53, 81, 103, 104, 107, 161, 68 Stat. 930, 935, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2111, 2112, 2133, 2134, 2137, 2201); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

§ 26.90 [Amended]

18. In § 26.90, paragraph (c) is removed.

19. Section 26.91 is added directly after § 26.90 to read as follows:

§ 26.91 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 26 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 26 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 26.1, 26.2, 26.3, 26.4, 26.6, 26.8, 26.90, and 26.91.

PART 30 - RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF
BYPRODUCT MATERIAL

20. The authority citation for Part 30 is revised to read as follows:

AUTHORITY: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

21. Section 30.63 is revised to read as follows:

§ 30.63 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

22. Section 30.64 is added directly after § 30.63 to read as follows:

§ 30.64 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 30 are

issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 30 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 30.1, 30.2, 30.4, 30.5, 30.6, 30.8, 30.11, 30.12, 30.13, 30.15, 30.16, 30.31, 30.32, 30.33, 30.37, 30.38, 30.39, 30.61, 30.62, 30.63, 30.64, 30.70, 30.71, and 30.72.

PART 31 - GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

23. The authority citation for Part 31 is revised to read as follows:

AUTHORITY: Secs. 81, 161, 183, 68 Stat. 935, 948, 954, as amended (42 U.S.C. 2111, 2201, 2233); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Section 31.6 also issued under sec. 274, 73 Stat. 688 (42 U.S.C. 2021).

24. Section 31.13 is added directly after § 31.12 to read as follows:

§ 31.13 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

25. Section 31.14 is added directly after § 31.13 to read as follows:

§ 31.14 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 31 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 31 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 31.1, 31.2, 31.3, 31.4, 31.9, 31.13, and 31.14.

PART 32 - SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER
CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

26. The authority citation for Part 32 is revised to read as follows:

AUTHORITY: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

27. Subpart E (§§ 32.301 and 32.303) is added to Part 32 to read as follows:

Subpart E - Violations

Sec.

32.301 Violations.

32.303 Criminal penalties.

Subpart E - Violations

§ 32.301 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 32.303 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 32 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 32 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 32.1, 32.2, 32.8, 32.11, 32.14, 32.17, 32.18, 32.22, 32.23, 32.24, 32.26, 32.27, 32.28, 32.51, 32.53, 32.57, 32.61, 32.71, 32.72, 32.73, 32.74, 32.301, and 32.303.

PART 33 - SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

28. The authority citation for Part 33 is revised to read as follows:

AUTHORITY: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

29. A new center heading "Violations" and §§ 33.21 and 33.23 are added directly after § 33.17 to read as follows:

VIOLATIONS

§ 33.21 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 33.23 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 33 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 33 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 33.1, 33.8, 33.11, 33.12, 33.13, 33.14, 33.15, 33.16, 33.21, 33.23 and 33.100.

PART 34 - LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY
REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

30. The authority citation for Part 34 is revised to read as follows:

AUTHORITY: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 34.32 also issued under sec. 206, 88 Stat. 1246, (42 U.S.C. 5846).

31. A new center heading "Violations" and §§ 34.61 and 34.63 are added directly after § 34.51 to read as follows:

VIOLATIONS

§ 34.61 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 34.63 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 34 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 34 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 34.1, 34.2, 34.3, 34.8, 34.11, 34.51, 34.61, and 34.63.

PART 35 - MEDICAL USE OF BYPRODUCT MATERIAL

32. The authority citation for Part 35 is revised to read as follows:

AUTHORITY: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

33. Section 35.990 is revised to read as follows:

§ 35.990 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

34. Section 35.991 is added directly after § 35.990 to read as follows:

§ 35.991 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 35 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 35 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 35.1, 35.2, 35.8, 35.12, 35.18, 35.19, 35.57, 35.100, 35.600, 35.901, 35.970, 35.971, 35.990, 35.991, and 35.999.

PART 39 - LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL
LOGGING

35. The authority citation for Part 39 is revised to read as follows:

AUTHORITY: Secs. 53, 57, 62, 63, 65, 69, 81, 82, 161, 182, 183, 186, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

36. Section 39.101, is revised to read as follows:

§ 39.101 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

37. Section 39.103 is added directly after § 39.101 to read as follows:

§ 39.103 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation

of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 39 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 39 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 39.1, 39.2, 39.5, 39.8, 39.13, 39.91, 39.101, and 39.103.

PART 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

38. The authority citation for Part 40 is revised to read as follows:

AUTHORITY: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under

sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

39. Section 40.81 is revised to read as follows:

§ 40.81 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended;

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

40. Section 40.82 is added directly after § 40.81 to read as follows:

§ 40.82 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 40 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 40 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 40.1, 40.2, 40.2a, 40.4, 40.5, 40.6, 40.8, 40.11,

40.12, 40.13, 40.14, 40.20, 40.21, 40.31, 40.32, 40.34, 40.43, 40.44, 40.45, 40.71, 40.81, and 40.82.

PART 50 - DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION
FACILITIES

41. The authority citation for Part 50 is revised to read as follows:

AUTHORITY: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78

also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).
Sections 50.80 - 50.81 also issued under sec. 184, 68 Stat. 954,
as amended (42 U.S.C. 2234). Appendix F also issued under sec.
187, 68 Stat. 95 (42 U.S.C. 2237).

42. Section 50.110 is revised to read as follows:

§ 50.110 Violations.

(a) The Commission may obtain an injunction or other court
order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as
amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment
of a civil penalty imposed under Section 234 of the Atomic Energy
Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or
109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

43. Section 50.111 is added directly after § 50.110 to read as follows:

§ 50.111 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 50 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 50 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 50.1, 50.2, 50.3, 50.4, 50.8, 50.11, 50.12, 50.13,

50.20, 50.21, 50.22, 50.23, 50.30, 50.31, 50.32, 50.33, 50.34a, 50.35, 50.36b, 50.37, 50.38, 50.39, 50.40, 50.41, 50.42, 50.43, 50.45, 50.50, 50.51, 50.52, 50.53, 50.56, 50.57, 50.58, 50.81, 50.82, 50.90, 50.91, 50.92, 50.100, 50.101, 50.102, 50.103, 50.109, 50.110, and 50.111.

PART 52 - EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND
COMBINED LICENSES FOR NUCLEAR POWER PLANTS

44. The authority citation for Part 52 continues read as follows:

AUTHORITY: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

45. Subpart D (§§ 52.111 and 52.113) is added to Part 52 to read as follows:

Subpart D - Violations

Sec.

52.111 Violations.

52.113 Criminal penalties.

Subpart D - Violations

§ 52.111 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 52.113 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 52 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 52 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 52.1, 52.3, 52.5, 52.8, 52.11, 52.13, 52.15, 52.17, 52.18, 52.19, 52.21, 52.23, 52.24, 52.27, 52.29, 52.31, 52.33, 52.37, 52.39, 52.41, 52.43, 52.45, 52.47, 52.48, 52.49, 52.51, 52.53, 52.54, 52.55, 52.57, 52.59, 52.61, 52.71, 52.73, 52.75, 52.77, 52.79, 52.81, 52.83, 52.85, 52.87, 52.89, 52.93, 52.97, 52.101, 52.111, and 52.113.

PART 53 - CRITERIA AND PROCEDURES FOR DETERMINING ADEQUACY OF
AVAILABLE SPENT NUCLEAR FUEL STORAGE CAPACITY

46. The authority citation for Part 53 is revised to read as follows:

AUTHORITY: Secs. 53, 57, 62, 63, 65, 69, 81, 103, 104, 161, 68 Stat. 930, 932, 933, 934, 935, 936, 937, 948, as amended (42 U.S.C. 2073, 2077, 2092, 2095, 2099, 2111, 2133, 2134, 2201); secs. 201, 209, as amended, 88 Stat. 1242, 1248, as amended (42 U.S.C. 5841, 5849); secs. 132, 135, 96 Stat. 2230, 2232 (42 U.S.C. 10152, 10155).

PART 54 - REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR
NUCLEAR POWER PLANTS

47. The authority citation for Part 54 is revised to read as follows:

Authority: Secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, as amended (42 U.S.C. 5841, 5842).

48. Section 54.41 is added directly after § 54.37 to read as follows:

§ 54.41 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended.

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

49. Section 54.43 is added directly after § 54.41 to read as follows:

§ 54.43 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violations of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 54 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 54 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 54.1 54.3, 54.5, 54.7, 54.9, 54.11, 54.15, 54.17, 54.19, 54.21, 54.22, 54.23, 54.25, 54.27, 54.29, 54.31, 54.41, and 54.43.

PART 55 - OPERATOR'S LICENSES

50. The authority citation for Part 55 is revised to read as follows:

AUTHORITY: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

51. Section 55.71 is revised to read as follows:

§ 55.71 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

52. Section 55.73 is added directly after § 55.71 to read as follows:

§ 55.73 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation

of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 55 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 55 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 55.1, 55.2, 55.4, 55.5, 55.6, 55.7, 55.8, 55.11, 55.13, 55.31, 55.33, 55.35, 55.41, 55.43, 55.47, 55.51, 55.55, 55.57, 55.61, 55.71, and 55.73.

PART 60 - DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

53. The authority citation for Part 60 is revised to read as follows:

AUTHORITY: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97-425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141).

54. Subpart J (§§ 60.181 and 60.183) is added to Part 60 to read as follows:

Subpart J - Violations

Sec.

60.181 Violations.

60.183 Criminal penalties.

Subpart J - Violations

§ 60.181 Violations

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 60.183 Criminal Penalties

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 60 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 60 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 60.1, 60.2, 60.3, 60.5, 60.6, 60.7, 60.8, 60.15, 60.16, 60.17, 60.18, 60.21, 60.22, 60.23, 60.24, 60.31, 60.32, 60.33, 60.41, 60.42, 60.43, 60.44, 60.45, 60.46, 60.51, 60.52, 60.61, 60.62, 60.63, 60.64, 60.65, 60.101, 60.102, 60.111, 60.112, 60.113, 60.121, 60.122, 60.130, 60.131, 60.132, 60.133, 60.134, 60.135, 60.137, 60.140, 60.141, 60.142, 60.143, 60.150, 60.151, 60.152, 60.162, 60.181, and 60.183.

PART 61 - LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

55. The authority citation for Part 61 is revised to read as follows:

AUTHORITY: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

56. Section 61.83 is revised to read as follows:

§ 61.83 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

57. Section 61.84 is added directly after § 61.83 to read as follows:

§ 61.84 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 61 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 61 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 61.1, 61.2, 61.4, 61.5, 61.6, 61.7, 61.8, 61.10, 61.11, 61.12, 61.13, 61.14, 61.15, 61.16, 61.20, 61.21, 61.22, 61.23, 61.26, 61.30, 61.31, 61.50, 61.51, 61.54, 61.55, 61.58, 61.59, 61.61, 61.63, 61.70, 61.71, 61.72, 61.73, 61.83, and 61.84.

PART 70 - DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

58. The authority citation for Part 70 is revised to read as follows:

AUTHORITY: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42

U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

59. Section 70.71 is revised to read as follows:

§ 70.71 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

60. Section 70.72 is added directly after § 70.71 to read as follows:

§ 70.72 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 70 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 70 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 70.1, 70.2, 70.4, 70.5, 70.6, 70.8, 70.11, 70.12, 70.13, 70.13a, 70.14, 70.18, 70.23, 70.31, 70.33, 70.34, 70.35, 70.37, 70.61, 70.62, 70.63, 70.71, and 70.72.

PART 71 - PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

61. The authority citation for Part 71 is revised to read as follows:

AUTHORITY: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 71.97 also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789-790.

62. Section 71.99 is revised to read as follows:

§ 71.99 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

63. Section 71.100 is added directly after § 71.99 to read as follows:

§ 71.100 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 71 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 71 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 71.0, 71.2, 71.4, 71.6, 71.7, 71.9, 71.10, 71.31, 71.33, 71.35, 71.37, 71.39, 71.41, 71.43, 71.45, 71.47, 71.51, 71.52, 71.53, 71.65, 71.71, 71.73, 71.75, 71.77, 71.99, and 71.100.

PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF
SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

64. The authority citation for Part 72 is revised to read as follows:

AUTHORITY: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222,

2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

65. Section 72.84 is revised to read as follows:

§ 72.84 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

66. Section 72.86 is added directly after § 72.84 to read as follows:

§ 72.86 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 72 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 72 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 72.1, 72.2, 72.3, 72.4, 72.5, 72.7, 72.8, 72.9, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.32, 72.34, 72.40, 72.42, 72.46, 72.54, 72.56, 72.58, 72.60, 72.62, 72.84,

72.86, 72.90, 72.96, 72.108, 72.120, 72.122, 72.124, 72.126,
72.128, 72.130, 72.182, 72.194, 72.200, 72.202, 72.204, 72.206,
72.210, 72.214, 72.220, 72.230, 72.236, 72.238, and 72.240.

PART 73 - PHYSICAL PROTECTION OF PLANTS AND MATERIALS

67. The authority citation for Part 73 is revised to read as follows:

AUTHORITY: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

68. Section 73.80 is revised to read as follows:

§ 73.80 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

69. Section 73.81 is added directly after § 73.80 to read as follows:

§ 73.81 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 73 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 73 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 73.1, 73.2, 73.3, 73.4, 73.5, 73.6, 73.8, 73.25, 73.45, 73.80, and 73.81.

PART 74 - MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

70. The authority citation for Part 74 is revised to read as follows:

AUTHORITY: Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

71. Section 74.83 is revised to read as follows:

§ 74.83 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

72. Section 74.84 is added directly after § 74.83 to read as follows:

§ 74.84 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 74 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 74 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 74.1, 74.2, 74.4, 74.5, 74.6, 74.7, 74.8, 74.83 and 74.84.

PART 75 - SAFEGUARDS ON NUCLEAR MATERIAL - IMPLEMENTATION OF
US/IAEA AGREEMENT

73. The authority citation for Part 75 is revised to read as follows:

AUTHORITY: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

74. Section 75.51 is revised to read as follows:

§ 75.51 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

(c) The Commission may issue orders to secure compliance with the provisions of this part or to prohibit any violation of such provisions as may be proper to protect the common defense and security. Enforcement actions, including proceedings instituted with respect to Agreement State licensees, will be conducted in accordance with the procedures set forth in Part 2, Subpart B of this chapter. Only NRC licensees, however, are subject to

license modification, suspension, or revocation as a result of enforcement action.

75. Section 75.53 is added directly after § 75.51 to read as follows:

§ 75.53 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 75 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 75 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 75.1, 75.2, 75.3, 75.4, 75.5, 75.8, 75.9, 75.12, 75.37, 75.41, 75.46, 75.51, and 75.53.

PART 95 - SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL
SECURITY INFORMATION AND RESTRICTED DATA

76. The authority citation for Part 95 is revised to read as follows:

AUTHORITY: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

77. Section 95.61 is revised to read as follows.

§ 95.61 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

78. Section 95.63 is added directly after § 95.61 to read as follows:

§ 95.63 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 95 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 95 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are

as follows: §§ 95.1, 95.3, 95.5, 95.7, 95.8, 95.9, 95.11, 95.17, 95.19, 95.21, 95.23, 95.55, 95.59, 95.61, and 95.63.

PART 110 - EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

79. The authority citation for Part 110 is revised to read as follows:

AUTHORITY: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092-2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154-2158, 2201, 2231-2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 110.1(b)(2) also issued under Pub. L. 96-92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99-440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80-110.113 also issued under 5 U.S.C. 552, 554. Sections 110.30-110.35 also issued under 5 U.S.C. 553.

80. Section 110.60 is revised to read as follows:

§ 110.60 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

81. Section 110.67 is added directly after § 110.66 to read as follows:

§ 110.67 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 110 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 110 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 110.1, 110.2, 110.3, 110.4, 110.7, 110.10, 110.11, 110.30, 110.31, 110.40, 110.41, 110.42, 110.43, 110.44, 110.45, 110.51, 110.52, 110.60, 110.61, 110.62, 110.63, 110.64, 110.65, 110.66, 110.67, 110.70, 110.71, 110.72, 110.73, 110.80, 110.81, 110.82, 110.83, 110.84, 110.85, 110.86, 110.87, 110.88, 110.89, 110.90, 110.91, 110.100, 110.101, 110.102, 110.103, 110.104,

110.105, 110.106, 110.107, 110.108, 110.109, 110.110, 110.111,
110.112, 110.113, 110.120, 110.122, 110.124, 110.130, 110.131,
110.132, 110.133, 110.134, and 110.135.

PART 140 - FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY
AGREEMENTS

82. The authority citation for Part 140 is revised to read
as follows:

AUTHORITY: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576, as
amended (42 U.S.C. 2201, 2210); secs. 201, as amended, 202, 88
Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

83. Subpart F (§§ 140.87 and 140.89) is added to Part 140 to
read as follows:

Subpart F - Violations

Sec.

140.87 Violations.

140.89 Criminal penalties.

Subpart F - Violations

§ 140.87 Violations

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 140.89 Criminal Penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 140 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 140 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 140.1, 140.2, 140.3, 140.4, 140.5, 140.7, 140.8, 140.9, 140.9a, 140.10, 140.14, 140.16, 140.18, 140.19, 140.20, 140.51, 140.52, 140.71, 140.72, 140.81, 140.82, 140.83, 140.84, 140.85, 140.87, 140.89, 140.91, 140.92, 140.93, 140.94, 140.95, 140.96, 140.107, 140.108, and 140.109.

PART 150 - EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

84. The authority citation for Part 150 is revised to read as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81. 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

85. Section 150.30 is revised to read as follows:

§ 150.30 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of -

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act:

(1) For violations of -

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

86. Section 150.33 is added directly after § 150.32 to read as follows:

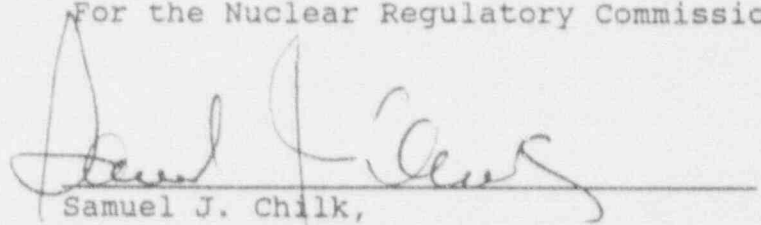
§ 150.33 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 150 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 150 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 150.1, 150.2, 150.3, 150.4, 150.5, 150.7, 150.8, 150.10, 150.11, 150.15, 150.15a, 150.30, 150.31, 150.32, and 150.33.

Dated at Rockville, Maryland, this 16th day of November 1992.

For the Nuclear Regulatory Commission


Samuel J. Chalk,
Secretary of the Commission