

## § 13.1

## 10 CFR Ch. I (1–1–09 Edition)

- 13.40 Stays ordered by the Department of Justice.
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- 13.43 Collection of civil penalties and assessments.
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AUTHORITY: Public Law 99–509, secs. 6101–6104, 100 Stat. 1874 (31 U.S.C. 3801–3812); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sections 13.13 (a) and (b) also issued under section Pub. L. 101–410, 104 Stat. 890, as amended by section 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note).

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

### § 13.1 Basis and purpose.

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

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

### § 13.2 Definitions.

As used in this part:

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

*Authority* means the Nuclear Regulatory Commission.

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

*Benefit* means, in the context of “statement”, anything of value, including but not limited to any advantage, preference, privilege, license, per-

mit, favorable decision, ruling, status, or loan guarantee.

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

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

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

(1) For property or services if the United States—

(i) Provided such property or services;

(ii) Provided any portion of the funds for the purchase of such property or services; or

(iii) Will reimburse such recipient or party for the purchase of such property or services; or

(2) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(i) Provided any portion of the money requested or demanded; or

(ii) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(c) Made to the authority which has the effect of decreasing an obligation to pay or account for property, services, or money.

*Complaint* means the administrative complaint served by the reviewing official on the defendant under § 13.7.

*Defendant* means any person alleged in a complaint under § 13.7 to be liable for a civil penalty or assessment under § 13.3.

*Digital ID certificate* means a file stored on a participant’s computer that contains the participant’s name, e-mail address, and participant’s digital signature, proves the participant’s identity when filing documents and serving participants electronically through the E-Filing system, and contains public keys, which allow for the encryption and decryption of documents so that the documents can be securely transferred over the Internet.

*Electronic acknowledgment* means a communication transmitted electronically from the E-Filing system to the submitter confirming receipt of electronic filing and service.