

## Department of Energy

## § 861.4

### § 860.5 Violations and penalties.

(a) Whoever willfully violates either § 860.3 or § 860.4 shall, upon conviction, be guilty of an infraction punishable by a fine of not more than \$5,000.

(b) Whoever willfully violates either § 860.3 or § 860.4 with respect to any facility, installation or real property enclosed by a fence, wall, floor, roof, or other structural barrier shall upon conviction, be guilty of a Class A misdemeanor punishable by a fine not to exceed \$100,000 or imprisonment for not more than one year, or both.

### § 860.6 Posting.

Notices stating the pertinent prohibitions of §§ 860.3 and 860.4 and penalties of § 860.5 will be conspicuously posted at all entrances of each designated facility, installation or parcel of real property and at such intervals along the perimeter as will provide reasonable assurance of notice to persons about to enter.

### § 860.7 Effective date of prohibition on designated locations.

The prohibitions in §§ 860.3 and 860.4 shall take effect as to any facility, installation or real property on publication in the FEDERAL REGISTER of the notice designating the facility, installation or real property and posting in accordance with § 860.6.

### § 860.8 Applicability of other laws.

Nothing in this part shall be construed to affect the applicability of the provisions of State or other Federal laws.

## PART 861—CONTROL OF TRAFFIC AT NEVADA TEST SITE

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### APPENDIX A TO PART 861—PERIMETER DESCRIPTION OF DOE'S NEVADA TEST SITE

AUTHORITY: 42 U.S.C. 2201.

SOURCE: 41 FR 56788, Dec. 30, 1976, unless otherwise noted.

### § 861.1 Purpose.

The regulations in this part are designed to facilitate the control of traffic at the Nevada Test Site.

### § 861.2 Scope.

This part applies to all persons who use the streets of the Nevada Test Site.

### § 861.3 Definitions.

As used in this part:

(a) *DOE* means the Department of Energy.

(b) *Nevada Test Site* means DOE's Nevada Test Site located in Nye County, Nev. A perimeter description is attached as Appendix A to this part.

(c) *Nevada Test Site Traffic Regulations* means the traffic directives promulgated by the Manager of the Nevada Site Office pursuant to § 861.4.

(d) *Person* means every natural person, firm, trust partnership, association or corporation.

(e) *Street* means the entire width between the boundary lines of every way when any part thereof is open to the use of those admitted to the Nevada Test Site for purposes of vehicular travel.

(f) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any roadway for purposes of travel.

(g) *Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

[41 FR 56788, Dec. 30, 1976, as amended at 71 FR 68734, Nov. 28, 2006]

### § 861.4 Use of site streets.

All persons using the streets of the Nevada Test Site shall do so in a careful and safe manner.

(a) The Nevada Test Site Traffic Regulations supplement this section by identifying the specific traffic requirements relating to such matters as:

(1) Enforcement and obedience to Traffic Regulations, including the authority of police officers and traffic regulations, and responsibility to report accidents.

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(2) Traffic signs, signals, and markings, including required compliance with traffic lanes and traffic control devices, and prohibitions on display of unauthorized traffic signs, signals, or marking or interference with authorized traffic control devices.

same force and effect as if made a part hereof.

**§861.5 Penalties.**

(3) Speeding or driving under the influence of intoxicating liquor or drugs, including prohibitions on reckless driving, and promulgation of maximum permissible speeds.

Any person doing any act forbidden or failing to do any act required by the Nevada Test Site Traffic Regulations shall, upon conviction, be punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

**§861.6 Posting and distribution.**

(4) Turning movements, including required position and method of turning at intersections, limitations on turning around, and obedience to turning markers and no-turn signs.

Notices including the provisions of the Nevada Test Site Traffic Regulations will be conspicuously posted at the Nevada Test Site. Such other distribution of the Nevada Test Site Regulations will be made by the Manager as will provide reasonable assurance of notice to persons subject to the regulations.

(5) Stopping and yielding, including obedience to stop and yield signs, requirements, when entering stop or yield intersections, emerging from alleys, driveways, or buildings, operation of vehicles on approach of authorized emergency vehicles and stops when traffic is obstructed.

**§861.7 Applicability of other laws.**

(6) Pedestrians' rights and duties, including pedestrian's right-of-way in crosswalks, when a pedestrian must yield, required use or right half of crosswalks and requirements concerning walking along roadways and prohibited pedestrian crossings.

Nothing in this part shall be construed to affect the applicability of the provisions of State laws or of other Federal laws.

(7) Parking, stopping, and standing, specifying when parking, stopping, and standing are prohibited, including special provisions applicable to buses, requirements that parking not obstruct traffic and be close to curb, and concerning lamps on parked vehicles.

**APPENDIX A TO PART 861—PERIMETER DESCRIPTION OF DOE'S NEVADA TEST SITE**

(8) Privileges of drivers of authorized emergency vehicles, including exemptions from parking and standing, stopping, speeding and turning limitations, under specified circumstances and within specified limitations.

The Nevada Test Site, containing approximately 858,764 acres located in Nye County, Nev., is described as follows:

(9) Miscellaneous driving rules, including requirements for convoys, and limitations on backing, opening and closing vehicle doors, following fire apparatus, crossing a fire hose, driving through a safety zone, through convoys, on sidewalks or shoulders of roadways, boarding or alighting from vehicles, passing a bus on the right, and unlawful riding.

Beginning at the northwesterly corner of the tract of land hereinafter described, said corner being at latitude 37°20'45", longitude 116°34'20";

Thence easterly approximately 6.73 miles, to a point at latitude 37°20'45" longitude 116°27'00";

Thence northeasterly approximately 4.94 miles to a point at latitude 37°23'07", longitude 116°22'30";

Thence easterly approximately 4.81 miles to a point at latitude 37°23'07", longitude 116°17'15";

Thence southeasterly approximately 6.77 miles to a point at latitude 37°19'47", longitude 116°11'10";

Thence southerly approximately 5.27 miles to a point at latitude 37°15'12.043", longitude 116°11'10";

Thence easterly approximately 14.21 miles to a point at latitude 37°15'07.268", longitude 115°55'42.268";

Thence southerly approximately 39.52 miles to a point at latitude 36°40'43.752", longitude 115°55'37.687";

(b) The Nevada Test Site Traffic Regulations, when posted and distributed as specified in §861.6, shall have the

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Thence westerly approximately 2.87 miles to a point at latitude 36°40'40.227", longitude 115°58'43.956";

Thence southerly approximately 5.23 miles to a point at latitude 36°36'07.317", longitude 115°58'41.227";

Thence southwesterly along a perimeter distance approximately 5.82 miles to a point at latitude 36°34'39.754", longitude 116°04'11.167";

Thence northerly approximately 3.20 miles to a point at latitude 36°37'26.804", longitude 116°04'11.355";

Thence northwesterly approximately 5.16 miles to a point at latitude 36°40'28.854", longitude 116°08'17.749";

Thence westerly approximately 8.63 miles to a point at latitude 36°40'23.246", longitude 116°17'37.466";

Thence southerly approximately 0.19 mile to a point at latitude 36°40'13.330", longitude 116°17'37.461";

Thence westerly approximately 8.49 miles to a point at latitude 36°40'13.666", longitude 116°26'47.915";

Thence northerly approximately 32.87 miles to a point at latitude 37°08'50", longitude 116°26'44.125";

Thence northwesterly approximately 15.37 miles to a point at latitude 37°20'45", longitude 116°34'20", the point of beginning herein.

[41 FR 56788, Dec. 30, 1978, as amended at 44 FR 37939, June 29, 1979]

### PART 862—RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

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  - 862.7 Designation of sites.

AUTHORITY: 42 U.S.C. 2201(b), 2201(i) and 2278(a).

SOURCE: 52 FR 29838, Aug. 12, 1987, unless otherwise noted.

#### § 862.1 Purpose.

The purpose of this part is to set forth Department of Energy, hereinafter "DOE", security policy regarding aircraft and air delivery on nuclear sites under the jurisdiction of DOE pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

#### § 862.2 Scope.

(a) This part applies to all persons or aircraft entering or otherwise within or above areas within the boundaries of lands or waters subject to the jurisdiction, administration, or in the custody of the DOE at sites designated by DOE.

(b) This part is not applicable to:

(1) Aircraft operating pursuant to official business of the Federal Government;

(2) Aircraft over-flying or in the process of landing pursuant to official business of a state or local law enforcement authority with prior notification to DOE; or

(3) Aircraft in the process of landing on a DOE site due to circumstances beyond the control of the operator and with prior notification to DOE, if possible.

(c) Aircraft in paragraphs (b)(2) and (b)(3) of this section are within the scope of this part upon landing at a DOE designated site.

#### § 862.3 Definitions.

(a) *Air delivery.* Delivering or retrieving a person or object by airborne means, including but not limited to, aircraft.

(b) *Aircraft.* A manned or unmanned device or any portion thereof, that is commonly used or intended to be used for flight in the air, including powerless flight. Such devices include but are not limited to any parachute, hovercraft, helicopter, glider, airplane or lighter than air vehicle.

(c) *Boundary.* A delineation on a map of Federal interest in land or water utilized by DOE pursuant to the Atomic Energy Act of 1954, as amended:

(1) Authorized by Congress, or

(2) Published pursuant to law in the FEDERAL REGISTER, or

(3) Filed or recorded with a State or political subdivision in accordance with applicable law.

(d) *Designated site.* An area of land or water identified in accordance with § 862.7 of this part.

(e) *Downed aircraft.* An aircraft that is on a designated site due to emergency landing or for any other reason.

(f) *Manager of Operations.* The manager of a DOE field office, the Manager