§ 1048.5

property subject to this part, of a dan-
gerous weapon, explosive or other dan-
gerous material likely to produce sub-
stantial injury or damage to persons or
property, is prohibited.

§ 1048.5 Violations.

Willful unauthorized entry, or willful
unauthorized introduction of weapons
or dangerous materials into or upon
real property subject to this part, con-
stitutes a violation of these regula-
tions. Violation of these regulations is
a misdemeanor, and a person convicted
of violating these regulations is subject
to the maximum fine permitted by law,
imprisonment for not more than one
year, or both.

§ 1048.6 Posting.

Notices stating the pertinent prohibi-
tions of §§1048.3 and 1048.4 and the pen-
alties of §1048.5 will be conspicuously
posted at all entrances of each facility
or parcel of real property subject to the
regulations in this part, and at such in-
tervals along the perimeters thereof as
will provide reasonable assurance of
notice to persons about to enter.

§ 1048.7 Applicability of other laws.

Nothing in this part shall be con-
structed to affect the applicability of the
provisions of State law or of any other
Federal law.

[56 FR 1910, Jan. 17, 1991. Redesignated at 56
FR 48096, Sept. 24, 1991]

PART 1049—LIMITED ARREST AU-
THORITY AND USE OF FORCE BY
PROTECTIVE FORCE OFFICERS OF
THE STRATEGIC PETROLEUM RE-
SERVE

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AUTHORITY: 42 U.S.C. 7101 et seq.
SOURCE: 56 FR 58492, Nov. 20, 1991, unless
otherwise noted.

§ 1049.1 Purpose.

The purpose of these guidelines is to
set forth internal Department of En-
ergy (DOE) security policies and proce-
dures regarding the exercise of arrest
authority and the use of force by DOE
employees and DOE contractor and
subcontractor employees while dis-
charging their official duties pursuant
to section 661 of the Department of En-
ergy Organization Act.

§ 1049.2 Scope.

These guidelines apply to the exer-
cise of arrest authority and the use of
force, as authorized by section 661 of
the Department of Energy Organiza-
tion Act, as amended, 42 U.S.C. 7101 et
seq., by employees of DOE and employ-
ees of DOE’s SPR security contractor
and subcontractor. These policies and
procedures apply with respect to the
protection of:

(a) The SPR and its storage or re-
lated facilities; and
(b) Persons upon the SPR or its stor-
age or related facilities.

§ 1049.3 Definitions.

(a) Act means sections 661 of the De-
partment of Energy Organization Act,
(b) Arrest means an act resulting in
the restriction of a person’s movement,
other than a brief consensual detention
for purposes of questioning about a per-
son’s identity and requesting identi-
fication, accomplished by means of
force or show of authority under cir-
cumstances that would lead a reason-
able person to believe that he was not
free to leave the presence of the officer.
(c) Contractor means a contractor or
subcontractor at any tier.
(d) Deadly force means that force
which a reasonable person would con-
sider likely to cause death or serious
bodily harm.
(e) Protective Force Officer means a
person designated by DOE to carry fire-
arms pursuant to section 661 of the
Act.
(f) SPR means the Strategic Petro-
leum Reserve, its storage or related fa-
cilities, and real property subject to