

Department of Justice

§ 13.2

(d) Amendments shall be deemed to have been filed upon the receipt thereof by the Registration Unit.

(e) Failure of the Chief, Registration Unit, to request any person described in section 2 of the act to file an amended registration statement shall not preclude prosecution of such person for a willfully false statement of a material fact, the willful omission of a material fact, or the willful omission of a material fact necessary to make the statements therein not misleading, in an original registration statement.

[21 FR 5928, Aug. 8, 1956, as amended by Order No. 524-73, 38 FR 18235, July 9, 1973]

§ 12.30 Burden of establishing availability of exemptions.

In all matters pertaining to exemptions, the burden of establishing the availability of the exemption shall rest with the person for whose benefit the exemption is claimed.

§ 12.40 Public examination.

Registration statements shall be available for public examination at the offices of the Registration Unit, Department of Justice, Washington, DC, from 10 a.m. to 4 p.m. on each official business day, except to the extent that the Attorney General having due regard for national security and public interest may withdraw such statements from public examination.

[Order No. 524-73, 38 FR 18235, July 9, 1973]

§ 12.41 Photocopies.

(a) Photocopies of registration statements filed in accordance with section 2 of the act are available to the public upon payment of fifty cents per photocopy of each page, whether several copies of a single original page or one or more copies of several original pages are ordered.

(b) Estimates as to prices for photocopies and the time required for their preparation will be furnished upon request addressed to the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, DC 20530.

(c) Payment shall accompany the order for photocopies and shall be made in cash, or by United States money order, or by certified bank check pay-

able to the Treasurer of the United States. Postage stamps will not be accepted.

[21 FR 5928, Aug. 8, 1956, as amended by Order No. 524-73, 38 FR 18235, July 9, 1973]

§ 12.70 Partial compliance not deemed compliance.

The fact that a registration statement has been filed shall not necessarily be deemed a full compliance with the act on the part of the registrant; nor shall it preclude prosecution, as provided for in the act, for willful failure to file a registration statement, or for a willfully false statement of a material fact therein, or for the willful omission of a material fact required to be stated therein.

PART 13—ATOMIC WEAPONS AND SPECIAL NUCLEAR MATERIALS REWARDS REGULATIONS

Sec.

13.1 Purpose.

13.2 Policy.

13.3 Definitions.

13.4 Procedures: Responsibilities of the Attorney General.

13.5 Procedures: Responsibilities of the intra-departmental committee.

13.6 Criteria for reward.

13.7 Judicial review.

AUTHORITY: 50 U.S.C. 47d.

SOURCE: Order No. 974-82, 47 FR 11516, Mar. 17, 1982, unless otherwise noted.

§ 13.1 Purpose.

This part implements the responsibility given to the Attorney General under the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a-47f, for determining what persons are entitled to a reward for furnishing certain original information to the United States pertaining to atomic weapons and special nuclear material.

§ 13.2 Policy.

This program is intended to reward the provision of original information regarding situations involving an illegal diversion, an attempted illegal diversion, or a conspiracy to divert special nuclear material or atomic weapons. The broad scope of this program is to help guard against the loss or diversion of such material and to prevent

§ 13.3

28 CFR Ch. I (7-1-23 Edition)

any use or disposition thereof inimical to the common defense and security.

§ 13.3 Definitions.

Atomic energy means all forms of energy released in the course of nuclear fission or nuclear transformation.

Atomic weapon means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

Original information means information first supplied to the Federal government by the applicant, which was created or compiled through his own skill and judgment.

Special nuclear material means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954, 42 U.S.C. 2011 *et seq.*

United States, when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United States and the Canal Zone except in § 13.4(a)(4). In § 13.4(a)(4), *United States*, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

§ 13.4 Procedures: Responsibilities of the Attorney General.

When a submission is made to the Department of Justice for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act, the Attorney General shall:

(a) Refer such submission for review to an intra-departmental committee composed of the Assistant Attorneys General for the Land and Natural Resources Division, the Criminal Division, and the Office of Legal Counsel or their delegates;

(b) Review the proposed finding of the review committee and determine whether a reward is justified and the amount of same;

(c) Secure the approval of the President for any reward over \$50,000;

(d) Jointly determine (along with the Secretary of State and the Director of Central Intelligence), if the award is to go to an alien, whether the entry of such alien into the United States is in the public interest and whether that alien and members of his immediate family may receive immigrant visas and be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act;

(e) Notify any person claiming an award of the determination regarding the claim and the amount of the reward, if any. If no reward is determined to be justified, state the reasons, consistent with national security, for the denial;

(f) Certify and transmit, along with the approval of the President if necessary, any award to be made to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended, 50 U.S.C. 401 *et seq.*

(g) Not certify any amount over \$500,000.

§ 13.5 Procedures: Responsibilities of the intra-departmental committee.

When the Attorney General refers a submission for a reward to the intra-departmental committee, this committee:

(a) Shall consult with the Nuclear Regulatory Commission and the Department of Energy regarding the reward;

(b) May consult with the Central Intelligence Agency and any other departments or agencies it deems appropriate to aid in the determination of whether a reward should be given and the proper amount of the reward;

(c) May hold hearings for the purpose of securing and evaluating information; a full hearing on the record with oral presentation and cross-examination is not required;

(d) Shall determine whether the information submitted fits one or more of the rewardable categories outlined in § 13.6;

(e) Shall determine whether the applicant is eligible for the reward. Federal employees and military personnel

Department of Justice

§ 14.2

whose duties include investigating activities covered by this Act are not eligible for a reward for information acquired in the course of their investigation;

(f) Shall submit to the Attorney General a proposed finding as to eligibility and a recommendation for the amount of the reward within 60 days of the date of referral from the Attorney General, unless good cause is shown for extending the time of review.

§ 13.6 Criteria for reward.

(a) Information provided by any person to the United States for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act must be original, and must concern the unlawful:

- (1) Introduction, manufacture or acquisition, or
- (2) Attempted introduction, manufacture or acquisition of, or
- (3) Export or attempt to export, or
- (4) Conspiracy to introduce, manufacture, acquire or export special nuclear material or atomic weapons, or
- (5) Loss, diversion or disposal or special nuclear material or atomic weapons.

(b) The amount of the reward shall depend on:

- (1) The amount of the material recovered or potentially recoverable, and the role the information played in the recovery, and
- (2) The danger the material posed or poses to the common defense and security or public health and welfare, and
- (3) The difficulty in ascertaining the information submitted to claim the reward, and the quality of the information, and
- (4) Any other considerations which the Attorney General or the intra-departmental committee deems necessary or helpful to the individual determination.

§ 13.7 Judicial review.

The decision of the Attorney General is final and conclusive and no court shall have power or jurisdiction to review it.

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Sec.

- 14.1 Scope of regulations.
- 14.2 Administrative claim; when presented.
- 14.3 Administrative claim; who may file.
- 14.4 Administrative claims; evidence and information to be submitted.
- 14.5 Review by legal officers.
- 14.6 Dispute resolution techniques and limitations on agency authority.
- 14.7 [Reserved]
- 14.8 Investigation and examination.
- 14.9 Final denial of claim.
- 14.10 Action on approved claims.
- 14.11 Supplementing regulations.

APPENDIX A TO PART 14—DELEGATIONS OF SETTLEMENT AUTHORITY

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510, and 2672.

SOURCE: Order No. 371-66, 31 FR 16616, Dec. 29, 1966, unless otherwise noted.

§ 14.1 Scope of regulations.

These regulations shall apply only to claims asserted under the Federal Tort Claims Act. The terms *Federal agency* and *agency*, as used in this part, include the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States but do not include any contractor with the United States.

[Order No. 960-81, 46 FR 52355, Oct. 27, 1981]

§ 14.2 Administrative claim; when presented.

(a) For purposes of the provisions of 28 U.S.C. 2401(b), 2672, and 2675, a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident; and the title or legal capacity of the person signing, and is accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.