

**§ 2.900**

**10 CFR Ch. I (1–1–05 Edition)**

**Subpart I—Special Procedures  
Applicable to Adjudicatory  
Proceedings Involving Re-  
stricted Data and/or National  
Security Information**

(e) *Party*, in the case of proceedings subject to this subpart includes a person admitted as a party under § 2.309 or an interested State admitted under § 2.315(c).

SOURCE: 41 FR 53329, Dec. 6, 1976, unless otherwise noted.

[41 FR 53329, Dec. 6, 1976, as amended at 47 FR 56314, Dec. 16, 1982; 69 FR 2264, Jan. 14, 2004]

**§ 2.900 Purpose.**

This subpart is issued pursuant to section 181 of the Atomic Energy Act of 1954, as amended, and section 201 of the Energy Reorganization Act of 1974, as amended, to provide such procedures in proceedings subject to this part as will effectively safeguard and prevent disclosure of Restricted Data and National Security Information to unauthorized persons, with minimum impairment of procedural rights.

**§ 2.903 Protection of restricted data and national security information.**

Nothing in this subpart shall relieve any person from safeguarding Restricted Data or National Security Information in accordance with the applicable provisions of laws of the United States and rules, regulations or orders of any Government Agency.

**§ 2.901 Scope of subpart I.**

This subpart applies, as applicable, to all proceedings under subparts G, J, K, L, M, and N of this part.

**§ 2.904 Classification assistance.**

On request of any party to a proceeding or of the presiding officer, the Commission will designate a representative to advise and assist the presiding officer and the parties with respect to security classification of information and the safeguards to be observed.

[69 FR 2264, Jan. 14, 2004]

**§ 2.902 Definitions.**

As used in this subpart:

(a) *Government agency* means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

**§ 2.905 Access to restricted data and national security information for parties; security clearances.**

(a) Access to restricted data and national security information introduced into proceedings. Except as provided in paragraph (h) of this section, restricted data or national security information introduced into a proceeding subject to this part will be made available to any interested party having the required security clearance; to counsel for an interested party provided the counsel has the required security clearance; and to such additional persons having the required security clearance as the Commission or the presiding officer determined are needed by such party for adequate preparation or presentation of his case. Where the interest of such party will not be prejudiced, the Commission or presiding officer may postpone action upon an application for access under this paragraph until after a notice of hearing, answers, and replies have been filed.

(b) *Interested party* means a party having an interest in the issue or issues to which particular Restricted Data or National Security Information is relevant. Normally the interest of a party in an issue may be determined by examination of the notice of hearing, the answers and replies.

(c) The phrase *introduced into a proceeding* refers to the introduction or incorporation of testimony or documentary matter into any part of the official record of a proceeding subject to this part.

(d) *National Security Information* means information that has been classified pursuant to Executive Order 12356.

(b) Access to Restricted Data or National Security Information not introduced into proceedings.