

## Nuclear Regulatory Commission

## § 10.1

the prompt consideration of the appropriate NRC official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions. In the event that an immediate demand for production or disclosure is made in circumstances which would preclude the proper designation or appearance of a U.S. or NRC attorney on the employee's behalf, the employee shall respectfully request the demanding authority for sufficient time to obtain advice of counsel.

[55 FR 33649, Aug. 17, 1990]

### § 9.204 Procedure in the event of an adverse ruling.

If the court or other judicial or quasi-judicial authority declines to stay the effect of the demand in response to a request made in accordance with § 9.203 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, the employee upon whom the demand has been made shall respectfully decline to comply with the demand, citing these regulations and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

## PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

### Subpart A—General Provisions

Sec.

- 10.1 Purpose.
- 10.2 Scope.
- 10.3 [Reserved]
- 10.4 Policy.
- 10.5 Definitions.

### Subpart B—Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance

- 10.10 Application of the criteria.
- 10.11 Criteria.
- 10.12 Interview and other investigation.

### Subpart C—Procedures

- 10.20 Purpose of the procedures.
- 10.21 Suspension of access authorization and/or employment clearance.
- 10.22 Notice to individual.
- 10.23 Failure of individual to request a hearing.
- 10.24 Procedures for hearing and review.
- 10.25 NRC Hearing Counsel.
- 10.26 Appointment of Hearing Examiner.
- 10.27 Prehearing proceedings.
- 10.28 Conduct of hearing.
- 10.29 Recommendation of the Hearing Examiner.
- 10.30 New evidence.
- 10.31 Actions on the recommendations.
- 10.32 Recommendation of the NRC Personnel Security Review Panel.
- 10.33 Action by the Deputy Executive Director for Management Services.
- 10.34 Action by the Commission.
- 10.35 Reconsideration of cases.

### Subpart D—Miscellaneous

- 10.36 Terminations.
- 10.37 Attorney representation.
- 10.38 Certifications.

AUTHORITY: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10450, 3 CFR parts 1949—1953 COMP., p. 936, as amended; E.O. 10865, 3 CFR 1959—1963 COMP., p. 398, as amended; 3 CFR Table 4.; E.O. 12968, 3 CFR 1995 COMP., p. 396.

SOURCE: 47 FR 38676, Sept. 2, 1982, unless otherwise noted.

### Subpart A—General Provisions

#### § 10.1 Purpose.

(a) This part establishes the criteria, procedures, and methods for resolving questions concerning:

(1) The eligibility of individuals who are employed by or applicants for employment with NRC contractors, agents, and licensees of the NRC, individuals who are NRC employees or applicants for NRC employment, and other persons designated by the Deputy Executive Director for Management Services of the NRC, for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, or for access to national security information; and

(2) The eligibility of NRC employees, or the eligibility of applicants for employment with the NRC, for employment clearance.