

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).

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.

EDITORIAL NOTE: Nomenclature changes to part 10 appear at 70 FR 30897, May 31, 2005.

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

Subpart A—General Provisions

Sec.

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

§ 10.1 Purpose.

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

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.

(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 Information Services and Administration and Chief Information Officer 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.

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 Information Services and Administration and Chief Information Officer.
- 10.34 Action by the Commission.
- 10.35 Reconsideration of cases.

(b) This part is published to implement the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Executive Order 10865, 25 FR 1583 (February 24, 1960) Executive Order 10450, 18 FR 2489 (April 27, 1954), and Executive Order 12968, 60 FR 40245 (August 2, 1995).

[64 FR 15641, Apr. 1, 1999]

Subpart D—Miscellaneous

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

§ 10.2 Scope.

The criteria and procedures in this part shall be used in determining eligibility for NRC access authorization and/or employment clearance involving:

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.

(a) Employees (including consultants) of contractors and agents of the Nuclear Regulatory Commission and applicants for employment;

(b) Licensees of the NRC and their employees (including consultants) and applicants for employment;