

## Nuclear Regulatory Commission

## § 95.5

### GENERAL PROVISIONS

#### § 95.1 Purpose.

The regulations in this part establish procedures for obtaining facility security clearance and for safeguarding Secret and Confidential National Security Information and Restricted Data received or developed in conjunction with activities licensed, certified or regulated by the Commission. This part does not apply to Top Secret information because Top Secret information may not be forwarded to licensees, certificate holders, or others within the scope of an NRC license or certificate.

[62 FR 17690, Apr. 11, 1997, as amended at 68 FR 41222, July 11, 2003]

#### § 95.3 Scope.

The regulations in this part apply to licensees, certificate holders and others who may require access to classified National Security Information and/or Restricted Data and/or Formerly Restricted Data (FRD) that is used, processed, stored, reproduced, transmitted, transported, or handled in connection with a license or certificate or an application for a license or certificate, or other activities as the Commission may determine.

[70 FR 32227, June 2, 2005]

#### § 95.5 Definitions.

*Access authorization* means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with the NRC, NRC contractors, agents, licensees and certificate holders, or other persons designated by the Executive Director for Operations, is eligible for a security clearance for access to classified information.

*Act* means the Atomic Energy Act of 1954 (68 Stat. 919), as amended.

*Classified mail address* means a mail address established for each facility approved by the NRC, to which all classified information for the facility is to be sent.

*Classified matter* means documents or material containing classified information.

*Classified National Security Information* means information that has been

determined pursuant to E.O. 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.

*Classified shipping address* means an address established for a facility, approved by the NRC to which classified material that cannot be transmitted as normal mail is to be sent.

*Closed area* means an area that meets the requirements of the CSA, for the purpose of safeguarding classified material that, because of its size, nature, or operational necessity, cannot be adequately protected by the normal safeguards or stored during non-working hours in approved containers.

*Cognizant Security Agency (CSA)* means agencies of the Executive Branch that have been authorized by E.O. 12829 to establish an industrial security program for the purpose of safeguarding classified information under the jurisdiction of those agencies when disclosed or released or released to U.S. industry. These agencies are the Department of Defense, the department of Energy, the Central Intelligence Agency, and the Nuclear Regulatory Commission. A facility has a CSA which exercises primary authority for the protection of classified information at the facility. The CSA for the facility provides security representation for other government agencies with security interests at the facility. The Secretary of Defense has been as Executive Agent for the National Industrial Security Program.

*Combination lock* means a three position, manipulation resistant, dial type lock bearing an Underwriters' Laboratories, Inc. certification that it is a Group 1 or Group IR unit.

*Commission* means the Nuclear Regulatory Commission or its duly authorized representatives.

*Facility (Security) Clearance (FCL)* means an administrative determination that, from a security viewpoint, a facility is eligible for access to classified information of a certain category (and all lower categories).

*Foreign ownership, control, or influence (FOCI)* means a foreign interest that has the power, direct or indirect, whether or not exercised, and whether