

DIVISION 70
CONFIDENTIAL TREATMENT OF SECURITY PROGRAM
INFORMATION

345-070-0005

Purpose

The purpose of these rules is to protect the confidentiality of information submitted to the Energy Facility Siting Council and the Secretary regarding security programs for nuclear-fueled power plants, nuclear installations and the transportation of radioactive materials to and from such facilities.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530

345-070-0010

Legislative Authority

These rules are promulgated concurrently by the Council and the Director pursuant to their respective rulemaking authorities contained in ORS Chapter 183, ORS 469.470, 469.501 to, 469.507, 469.530, 469.560 and ORS 192.500, in order to implement their joint responsibility under ORS 469.530.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530

345-070-0015

Definitions

(1) "Nuclear installation" is defined in ORS 469.300.

(2) "Security program" means any plan or procedure the primary function of which is to protect nuclear power plants, nuclear installations, transportation and storage of new or irradiated nuclear fuel elements or transportation and storage of fissile material against any deliberate act that could directly endanger the public health and safety including exposure to radiation, including, but not limited to, plans or procedures for:

(a) Controlling entry to the site or portions of the site of fixed installations;

(b) Deterring or discouraging penetrations of sites or carriers by unauthorized persons;

(c) Detecting such penetrations in the event they occur;

(d) Apprehending in a timely manner unauthorized persons or authorized persons acting in a manner constituting a threat of sabotage or theft;

(e) Providing for appropriate authorities to take custody of violators.

(3) "Fissile material" means fissile plutonium, uranium-233, and uranium-235 in any combination sufficient to cause (gm Pu/200 gm) + (gm U-233/200 gm) + (gm U-235 contained in uranium enriched to more than 20 percent in U-235)/350gm) to be greater than unity.

(4) "Safeguards information (SI)" means information that specifically identifies:

(a) Detailed security measures for the protection of special nuclear material; or

(b) Detailed security measures for the physical protection and location of certain plant equipment vital to the safety of production or utilization facilities.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530

345-070-0020

Confidential Treatment Required

The Council and the Director shall receive, and maintain as confidential, information submitted by any person pursuant to ORS 469.530 for review and approval to the extent the information falls within the definitions of "security program" or "safeguards information" in OAR 345-070-0015, . The Council and Director shall take all reasonable precautions to:

(1) Limit the number of persons within the Department of Energy having access to such information; and

(2) Physically safeguard such information.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530

345-070-0025

Releases of Non-Confidential Information

In reviewing information submitted to them under ORS 469.530, the Council and Director shall jointly determine whether specific portions of such information are not within the definition of "security program" in OAR 345-070-0015 and shall promptly arrange for the physical segregation and public availability of all information not entitled to confidential treatment.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530

345-070-0030

Public Statements on the Security Program

(1) Upon completing their review and approval of a security program and modifications to the program, the Council and Director shall promptly issue a joint statement that describes, without directly or indirectly breaching the confidentiality of the security program:

(a) The nature and scope of the review conducted;

(b) The adequacy of the security program; and

(c) A general description of the security measures.

(2) In the event of discovery of noncompliance with approved security programs, the Council and Director will issue a joint statement describing the general nature of the noncompliance without directly or indirectly breaching the confidentiality of the security program.

Stat. Authority: ORS 469.530

Stat. Implemented: ORS 469.530