

July 24, 2013

Mr. Andrew Mauer, Senior Project Manager
Fuel and Materials Safety
Nuclear Energy Institute
1201 F Street,
NW Suite 1100
Washington, DC 20004

SUBJECT: NUCLEAR ENERGY INSTITUTE GUIDANCE DOCUMENT NEI 13-04,
"COUNTERINTELLIGENCE PROGRAM DESCRIPTION FOR URANIUM
ENRICHMENT FACILITIES"

Dear Mr. Mauer:

In a letter dated July 16, 2013, you provided to the U.S. Nuclear Regulatory Commission (NRC) a copy of a guidance document issued by the Nuclear Energy Institute (NEI), NEI 13-04, "Counterintelligence Program Description for Uranium Enrichment Facilities," for NRC review and endorsement.

As you are aware, in 2009 the NRC endorsed another document issued by the NEI, NEI 08-11, "Information Security Program Guidelines for Protection of Classified Material at Uranium Enrichment Facilities." That document contained a discussion on development of counterintelligence programs and acknowledged the NRC's efforts to further develop its plans in this area. Subsequently, the NRC staff submitted a paper to the Commission providing options on the development of counterintelligence programs in the NRC itself and at licensee facilities. With respect to counterintelligence programs, the Commission directed the staff to work with certain enrichment licensees to develop an industry guidance document that the NRC could endorse for licensee implementation. The licensees, through the NEI, developed NEI 13-04 to document this guidance.

The NRC finds this document presents acceptable guidance for licensees to develop a defensive counterintelligence program for the protection of classified technologies at certain enrichment sites. In the area of counterintelligence program manager qualifications, the NRC staff encourages the licensees to hire individuals with a strong counterintelligence background to ensure that these program attributes are fully implemented.

In addition, in a letter to the NRC dated July 16, 2013, you provided a proposed implementation schedule. We find this schedule to be acceptable.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions, please contact Brian Smith of my staff, at 301-287-9088.

Sincerely,

/RA/

Marissa Bailey, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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Marissa Bailey, Director
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