

July 29, 2013

Mr. Jim Kay, Licensing Manager
Eagle Rock Enrichment Facility
AREVA Enrichment Services, LLC
400 Donald Lynch Boulevard
Marlborough, MA 01752

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

Dear Mr. Kay:

As you are aware, in 2009, the U.S. Nuclear Regulatory Commission (NRC) endorsed the Nuclear Energy Institute (NEI) document, 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, "Counterintelligence Program Description for Uranium Enrichment Facilities," to document this guidance.

The NRC finds that NEI 13-04 presents acceptable guidance for licensees to develop a defensive counterintelligence program for the protection of classified technologies at certain enrichment sites. It is expected that enrichment plant licensees will review the information for applicability to their facilities, as well as their vendors and subcontractors that possess or use classified matter, and consider appropriate actions. In addition, the enrichment plant licensees are expected to modify their Standard Practice Procedures Plans and implement the programs within the schedule provided by NEI in their letter dated July 16, 2013.

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).

J. Kay

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

Sincerely,

/RA/

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

J. Kay

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

Sincerely,

/RA/

Marissa G. Bailey, Director
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Office of Nuclear Material Safety
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