

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 12.8	NRC DEFENSIVE COUNTERINTELLIGENCE PROGRAM	DT-23-11
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<i>Volume 12:</i>	Security
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EXECUTIVE SUMMARY

Management Directive (MD) 12.8, “NRC Defensive Counterintelligence Program,” is a new MD and is written to—

- Establish the agency’s limited scope, defensive counterintelligence program, consistent with Commission guidance (Staff Requirements Memorandum (SRM) SECY-10-0158, dated February 1, 2011 ([ML110320666](#))).
- Clarify the roles and responsibilities of agency offices in implementing the U.S. Nuclear Regulatory Commission’s (NRC) counterintelligence program.

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to maintain a limited scope, defensive counterintelligence (CI) program intended to prevent foreign intelligence services or other malevolent actors from obtaining information that may be harmful to U.S. national interests (Staff Requirements Memorandum (SRM) SECY-10-0158, dated February 1, 2011 ([ML110320666](#))). This program has both an internal and an external component intended to protect NRC and licensee information, technologies, systems, and personnel related to sensitive NRC programs.

II. OBJECTIVES

- Ensure that the NRC’s defensive CI program is planned, coordinated, prioritized, conducted, and managed in an integrated manner that is consistent with U.S. Government (USG) policy, all pertinent laws, Commission policy and strategy, and applicable directives of other Federal agencies and organizations.
- Update, consolidate, and expand previous guidance on CI activities in the agency.
- Provide defensive counterintelligence training and resources to prevent, identify, disrupt, and mitigate the efforts of foreign intelligence services or other malevolent actors who are intent on obtaining information that may be harmful to U.S. national interests.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Commission

Provides policy guidance to staff regarding the NRC’s establishment of a limited scope defensive CI program.

B. Office of the Inspector General (OIG)

1. Conducts periodic investigations into CI issues.
2. Refers NRC's CI matters, as appropriate, to the Federal law enforcement partners for further investigation.
3. Liaises with law enforcement partners on CI matters.

C. Office of the General Counsel (OGC)

Performs legal review of and provides legal advice on CI activities related to matters within the NRC's regulatory jurisdiction.

D. Office of International Programs (OIP)

1. Coordinates with the Office of Administration (ADM) on the placement of international assignees and visitors to the NRC to mitigate potential CI and security risks.
2. Coordinates with the Office of Nuclear Security and Incident Response (NSIR) on scheduling CI-related briefings for senior leadership before international travel, consistent with Management Directive (MD) 5.13, "NRC International Activities, Practices, and Procedures."

E. Executive Director for Operations (EDO)

1. Implements Commission guidance and provides direction on technical implementation of the CI program.
2. Ensures the staff perform international activities consistent with agency policy to minimize the potential CI risk.

F. Office of Nuclear Security and Incident Response (NSIR)

1. Provides programmatic oversight of the agency's CI program.
2. Coordinates CI-related functions across the agency, including the review and referral, as appropriate, of suspicious activities that may indicate CI concerns in close coordination with other affected agency stakeholders.

G. Office of Nuclear Material Safety and Safeguards (NMSS)

1. Coordinates with other Federal agencies on Government-led CI programs related to the protection of fuel cycle facilities.
2. Coordinates with NSIR on the review and inspection of the Standard Practice Procedures Plan (SPPP) for each NRC-licensed uranium enrichment facility to ensure compliance with 10 CFR Part 95, "Facility Security Clearance and

Safeguarding of National Security Information and Restricted Data," and the licensing basis commitments for implementing NRC-approved guidance.

3. Maintains the program for limiting access to laser enrichment technology.

H. Office of Investigations (OI)

1. Liaises with Federal law enforcement and intelligence community partners on CI matters.
2. Participates in National Counterintelligence Task Force efforts, as requested.
3. Conducts investigations into CI matters within the scope of NRC authority and OI mission structure.
4. Assists Federal law enforcement entities on CI matters within the scope of NRC authority, as appropriate.

I. Office of Administration (ADM)

1. Plans, develops, establishes, and administers policies, standards, and procedures for the overall NRC security program, consistent with MD 12.1, "NRC Facility Security Program," which is applicable to all NRC facilities, systems, property, occupants, visitors, and staff.
2. Ensures that engagement with international counterparts conducted at or around NRC facilities is completed consistent with agency policy and procedures.

J. Office of the Chief Human Capital Officer (OCHCO)

Administers, on an annual basis, the CI awareness training for all NRC staff and contractors using the approved agencywide training platform.

K. Office Directors and Regional Administrators

Ensure that staff engaged in international travel and/or activities or hosting international assignees are performing these functions consistent with agency policy (MD 5.13, "NRC International Activities, Practices, and Procedures"; MD 12.2, "NRC Classified Information Security Program"; and MD 12.3, "NRC Personnel Security Program").

L. Division of Security Operations, NSIR

1. Liaises with Federal intelligence and law enforcement partners on CI matters.
2. Prepares and periodically revises the annual CI awareness training for NRC staff and contractors.
3. Conducts CI awareness training to support agency leadership and staff participation in international activities.

4. Conducts CI awareness training and outreach to fuel cycle facility licensees implementing Nuclear Energy Institute documents NEI 08-11 and NEI 13-04.

IV. APPLICABILITY

The provisions of this MD apply to and must be followed by all NRC employees and NRC contractors.

V. DEFINITION

Counterintelligence

Efforts made to prevent foreign intelligence services or other malevolent actors from obtaining information that may be harmful to U. S. national interests.

VI. DEFENSIVE COUNTERINTELLIGENCE PROGRAM GUIDE

The Defensive Counterintelligence Program Guide contains implementing procedures for the agency's limited scope, defensive CI program. The program guide constitutes the handbook to this directive and is available [here](#), for internal use only.

VII. REFERENCES

Code of Federal Regulations

10 CFR Part 70, "Domestic Licensing of Special Nuclear Material."

10 CFR Part 95, "Facility Security Clearance and Safeguarding of National Security Information and Restricted Data."

Nuclear Regulatory Commission Documents

Commission Papers—

SECY-09-0166, "Counterintelligence Programs for Licensees and Certificate Holders Who Possess Classified Uranium Enrichment Technologies," dated November 5, 2009 ([ML091320379](#)).

SECY-10-0158, "Staff Options for a Potential Counterintelligence Program for Licensees who Possess Uranium Enrichment Technologies and U.S. Nuclear Regulatory Commission Staff," dated December 7, 2010 ([ML103280305](#)).

Staff Requirements Memorandum (SRM) SECY-10-0158, "Staff Options for a Potential Counterintelligence Program for Licensees Who Possess Uranium Enrichment Technologies and U.S. Nuclear Regulatory Commission Staff," dated February 1, 2011 ([ML110320666](#)).

Management Directives—

5.13, “NRC International Activities, Practices, and Procedures.”

12.1, “NRC Facility Security Program.”

12.2, “NRC Classified Information Security Program.”

12.3, “NRC Personnel Security Program.”

Nuclear Energy Institute

NEI 08-11, “Information Security Program Guidelines for Protection of Classified Material at Uranium Enrichment Facilities” ([ML091320373](#)).

NEI 13-04, “Counterintelligence Program for Uranium Enrichment Facilities” ([ML13199A286](#)).

United States Code

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).