



# Department of Defense

## **DIRECTIVE**

**NUMBER** 5134.08

January 14, 2009

Incorporating Change 3, Effective March 27, 2019

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CMO

**SUBJECT:** Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs (ASD(NCB))

References: See Enclosure

1. **PURPOSE.** This Directive, consistent with sections 138(b)(10) and 138d of title 10, United States Code (Reference (a)), reissues DoD Directive (DoDD) 5134.8 (Reference (b)) in accordance with the authority in DoDD 5134.01 (Reference (c)) to update the responsibilities and functions, relationships, and authorities of the ASD(NCB), under the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).
2. **APPLICABILITY.** This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).
3. **DEFINITIONS.** The terms “weapons of mass destruction” (WMD) and “combating WMD” (CWMD) used in this Directive are defined in the National Military Strategy to Combat Weapons of Mass Destruction (Reference (d)).
4. **RESPONSIBILITIES AND FUNCTIONS.** The ASD(NCB) is the principal advisor to the Secretary and Deputy Secretary of Defense and the USD(AT&L) on nuclear energy, nuclear weapons, and chemical and biological defense, consistent with sections 138(b)(10) and 138d of Reference (a). In this capacity, the ASD(NCB) shall:
  - a. Develop policies, provide advice, and make recommendations on nuclear weapons; chemical, biological, radiological, and nuclear (CBRN) medical and non-medical defense; safety and security of chemical and biological agents; safety, surety, security, and safe destruction of

the current chemical weapons stockpile; CWMD; nuclear, chemical, and biological (NCB) arms control activities; and related plans and programs.

b. Exercise oversight, in coordination with the Under Secretary of Defense for Policy (USD(P)), the Chairman of the Joint Chiefs of Staff, and the Commander, U.S. Strategic Command (USSTRATCOM), to ensure that DoD CWMD research and development investment planning, acquisition programs, and related activities comply with applicable law and Presidential and DoD policy, strategy, and guidance.

(1) Develop acquisition policies, strategies, priorities, and procedures.

(2) Provide advice and recommendations and issue guidance for related operational plans to the Military Departments and Defense Agencies.

(3) In coordination with the USD(P), the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), and the Chairman of the Joint Chiefs of Staff, develop a comprehensive research, development, and acquisition (RDA) strategy for the eight mission areas to combat WMD, consistent with DoDD 2060.02 (Reference (e)).

c. Develop systems and standards and a collaborative process for the oversight of Military Department and Defense Agency CWMD programs.

d. Integrate the management of all nuclear weapons; CBRN medical and non-medical defense; safety and security of chemical and biological agents; the safety, surety, security, and safe destruction of the current chemical weapons stockpile; NCB arms control activities; and related assistance to other nations.

e. Participate in committees, boards, and other groups pertaining to areas of assigned responsibilities and functions.

(1) Serve as an OSD representative, adviser, and technical expert in interagency and international activities related to areas of assigned responsibilities and functions.

(2) Serve as the USD(AT&L) principal point of contact for CWMD.

(3) Serve as chair of the CBRN Survivability Oversight Group, consistent with DoD Instruction (DoDI) 3150.09 (Reference (f)).

(4) On behalf of the USD(AT&L), sponsor the Threat Reduction Advisory Committee.

f. Advise the Defense Acquisition Board concerning the review of systems that include nuclear components of warheads; systems required to operate in CBRN environments; medical and non-medical CBRN defense programs; radiological material disposal; and the chemical demilitarization program.

g. Regarding nuclear weapon and radiological matters:

(1) Oversee and develop plans, policies, and procedures for nuclear weapons safety, security, survivability, transportation, and use control as well as survivability of materiel and systems relative to nuclear effects; and plan and implement the modernization and upgrading of the nuclear stockpile.

(2) Exercise policy and oversight responsibility for nuclear weapons and critical nuclear command and control facility physical security consistent with DoDD S-5210.81 (Reference (g)) and the DoD Nuclear Weapons Personnel Reliability Program consistent with DoDI 5210.42 (Reference (h)).

(a) Establish and maintain a Security Policy Verification Committee consistent with DoDD O-5210.41 (Reference (i)) to provide assistance in the oversight of the DoD nuclear weapons and components physical security and personnel reliability programs.

(b) Oversee the protection of nuclear weapons coding equipment consistent with DoDI S-5210.82 (Reference (j)) and the logistic transportation of nuclear weapons consistent with DoDI 4540.05 (Reference (k)). Establish and maintain a Nuclear Transportation Working Group with the Department of Energy (DOE) to provide assistance in transporting nuclear weapons and components.

(c) Formulate DoD procedures for security of DoD nuclear reactors (excluding reactors associated with the naval propulsion program) and special nuclear material consistent with DoDI O-5210.63 (Reference (l)).

(d) Serve as DoD coordinator and funding administrator for nuclear and conventional physical security equipment research, development, test, and evaluation programs executed by the Military Departments and the Defense Threat Reduction Agency (DTRA).

(3) With the USD(AT&L), sponsor the activities of the Defense Science Board Permanent Task Force on Nuclear Weapons Surety. Act upon the advice or recommendations of the Board consistent with USD(AT&L) Memorandum (Reference (m)) and DoDI 5105.04 (Reference (n)).

(4) Develop policy for, coordinate, and oversee the implementation of nuclear weapons safety and security and related assistance to other nations.

(5) Develop policy and procedures for nuclear weapon radiological accident and incident response planning, training, and exercise coordination in accordance with DoDD 3150.08 (Reference (o)).

(6) Provide, in coordination with the Under Secretary of Defense for Intelligence (USD(I)), the USD(P), and the USD(P&R), guidance and direction for DoD support to Annex IV to National Security Presidential Directive (NSPD) 17/Homeland Security Presidential Directive (HSPD) 4 (Reference (p)) to ensure the development and implementation of acquisition strategies, program plans, budgets, and the DoD concept of operations.

(7) Plan and implement life-cycle activities for the sustainment and modernization of the nuclear weapons stockpile, including development, manufacture, use, storage, retirement, and disposal of nuclear weapons. Establish and maintain a DoD strategic analytical capability to support studies and analyses of nuclear weapons transformation.

(8) Manage the allocation of special nuclear material for defense research and the control of information relating to the manufacture and utilization of nuclear weapons.

(9) Oversee and coordinate DoD activities regarding the detection of nuclear weapons and materials and serve as the acquisition and technology lead for support to the Domestic Nuclear Detection Office under the Department of Homeland Security in accordance with NSPD 43/HSPD 14 (Reference (q)).

(10) Oversee the Joint Atomic Information Exchange Group in accordance with DoDI 5030.14 (Reference (r)).

(11) Provide information to the congressional committees on national security concerns for nuclear energy as required by section 2259 of title 42, U.S.C. (Reference (s)).

(12) Serve as Vice Chairman of the North Atlantic Treaty Organization Nuclear Planning Group – High-Level Group.

(13) Serve as Staff Director of the Nuclear Weapons Council (NWC) consistent with section 179 of Reference (a); as Executive Secretary of NWC; and as Chair of the NWC Standing and Safety Committee. Manage development and interagency coordination of required annual reports, including the Nuclear Weapons Stockpile Memorandum, the Report on Stockpile Assessments, the Joint Surety Report, and the NWC Chair's Annual Report to Congress. The Nuclear Weapons Council Committees shall advise the Staff Director, Nuclear Weapons Council, as the Staff Director deems appropriate and necessary.

(14) Serve as Executive Secretary of the Nuclear Command and Control System (NCCS) Committee of Principals; Chair of the NCCS Committee of Deputies; Executive Secretary of the Senior NSPD-28 Oversight Committee; Chair of the NSPD-28 Oversight Committee; and Chair of the Nuclear Weapon Accident Response Subcommittee to establish DoD positions regarding the requirements of NSPD 28 (Reference (t)).

(15) Serve as the DoD principal point of contact for:

(a) Cooperation with other nations on military applications of atomic energy under sections 2121, 2153, and 2164 of Reference (s).

(b) Cooperation with DOE and other agencies on all atomic energy matters that the Department of Defense determines to be related to the military applications of nuclear weapons or nuclear energy, including the development, manufacture, use, storage, retirement, and disposal of nuclear weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of nuclear weapons; oversight of

staff development of policy and integration of the DoD Components in the implementation of DoD atomic energy activities, including all matters related to military application of nuclear weapons or nuclear energy.

(16) Serve as the USD(AT&L) principal point of contact for:

(a) Implementation of Reference (t) in coordination with the DoD Chief Information Officer (DoD CIO).

(b) Coordination with the National Aeronautics and Space Administration on nuclear power sources.

(c) Nuclear defense activities in nonproliferation initiatives; counterproliferation initiatives including nuclear-radiological detection, interdiction, collection, render safe, forensics, attribution and force protection against prompt nuclear effects; defense against nuclear terrorism; and consequence management activities.

h. Regarding CBRN defense programs:

(1) Provide overall coordination, integration, and oversight of the Chemical and Biological Defense Program (CBDP) consistent with sections 1522(b)(1) and 1523 of title 50, U.S.C. (Reference (u)) and USD(AT&L) Memorandum (Reference (v)).

(a) Exercise oversight of related acquisition policy guidance and interagency and international coordination.

(b) Chair the CBPD Overarching Integrated Process Team.

(2) Coordinate and integrate the activities of the Joint Staff/J-8 Joint Requirements Office for Chemical, Biological, Radiological, and Nuclear Defense (CBRND), through the Chairman of the Joint Chiefs of Staff; the Joint Program Executive Office for Chemical and Biological Defense (CBD) and the Joint Science and Technology Office (DTRA Chemical and Biological Technologies Directorate) according to the authority in section 1522 of Reference (u).

(3) On behalf of the USD(AT&L), oversee the activities of the DoD Executive Agent for the CBPD, consistent with DoDD 5160.05E (Reference ((w))) and DoDD 5101.1 (Reference (x)).

(4) Develop policy and provide advice on survivability of materiel and mission critical systems relative to chemical and biological contamination.

(5) Develop policy to ensure that material production and exchanges are executed in compliance with the Chemical Weapons Convention (CWC), Biological and Toxins Weapons Convention, and applicable U.S. law.

(6) Oversee and develop plans, policies, and procedures for chemical and biological agent security, transportation, and use control in accordance with DoDI 5210.65 (Reference (y)), DoDD 5210.88 (Reference (z)), and DoDI 5210.89 (Reference (aa)).

(7) Develop and approve the OSD CBDP Programs Strategy Guidance document.

(8) Provide oversight for funds allocation for the CBDP defense-wide account.

(9) Serve as the USD(AT&L) focal point for oversight of CBD international programs and RDA program efforts within the international CBRND community.

(10) Serve as the U.S. Principal to the Steering Group of the Chemical, Biological, and Radiological Memorandum of Understanding among Canada, the United Kingdom, Australia, and the United States.

(11) Serve on the Armed Services Biomedical Research Evaluation and Management Committee to ensure CBRND coordination with related biomedical programs.

(12) Serve as the OSD principal point of contact responsible for the integration of the DoD CBDP medical and non-medical programs and for the overall policy integration of CBRND doctrine, education, training, and exercises; in coordination with the USD(P), the USD(P&R), and the Chairman of the Joint Chiefs of Staff, and consistent with the responsibilities of the Military Departments under Reference (a).

i. Regarding chemical demilitarization:

(1) Provide program and policy guidance for the U.S. program for destruction of the U.S. chemical weapons stockpile and of non-stockpile chemical materiel. This includes the Chemical Weapons Demilitarization Program, the Chemical Weapons Demilitarization-Newport Program, the program for destruction of non-stockpile chemical materiel that is managed and executed under the supervision of the Secretary of the Army, and the Assembled Chemical Weapons Alternative (ACWA) Program that is managed and executed by the Program Manager for ACWA under the direct supervision of the USD(AT&L).

(2) Ensure programs are executed in compliance with the CWC and applicable U.S. law, using technologies and procedures to afford maximum protection to the general public, the environment, and personnel involved in the actual destruction of the munitions.

(3) Develop implementation guidance and management direction and provide direct oversight for the destruction of the chemical weapons stockpile under the ACWA program.

j. Provide oversight of implementation and compliance with existing and prospective nuclear, biological, and chemical arms control agreements in accordance with DoDD 2060.1 (Reference (ab)). In this capacity:

(1) Establish and lead DoD implementation working groups to monitor and coordinate DoD arms control agreement implementation.

(2) Establish and lead DoD compliance review groups to monitor compliance of DoD activities and to coordinate DoD guidance on issues arising from questions of compliance.

(3) In coordination with relevant DoD offices and agencies, provide guidance to the DoD Components to plan, program, and budget for arms control agreement implementation and compliance.

(4) Provide direction and oversight for the conduct of research and development to support DoD arms control agreement implementation and compliance.

(5) Assign DoD treaty managers for nuclear, biological, and chemical treaties and agreements.

k. Exercise oversight of the Cooperative Threat Reduction Program executed by DTRA consistent with the provisions of References (c) and (e). In this capacity:

(1) Establish acquisition procedures and oversee their implementation to avoid organizational conflicts and overlapping duties, achieve strategic risk reduction, and minimize cost overruns and schedule delays.

(2) Provide cooperative threat reduction strategic implementation guidance consistent with signed agreements and U.S. Government policies.

l. Serve as Executive Secretary of the Counterproliferation Program Review Committee (CPRC) and as Chair of the Standing Committee of the CPRC. Review, coordinate, and report on CWMD RDA activities in accordance with section 1605 of Public Law 103-160, as amended (Reference (ac)).

m. Serve as Co-Chair of the Executive Council of the Combating WMD Coordination Group.

n. In conjunction with the USD(I), ensure intelligence and counterintelligence support are provided to nuclear, biological, and chemical defense programs.

o. Participate in those DoD planning, programming, budgeting, and execution activities and requirements and acquisition processes that relate to the responsibilities and functions specified in this Directive.

p. Ensure that ASD(NCB) functional area policies and programs are designed and managed to improve standards of performance, economy, and efficiency and that DTRA is attentive and responsive to the requirements of its organizational customers, both internal and external to the Department of Defense.

q. Perform other duties as assigned by the Secretary of Defense or the USD(AT&L).

## 5. RELATIONSHIPS

a. In the performance of assigned responsibilities and functions, the ASD(NCB) shall:

(1) Serve under the authority, direction, and control of, and report directly to, the USD(AT&L).

(2) Exercise authority, direction, and control over:

(a) The Principal Deputy to the ASD(NCB).

(b) The Director, DTRA, consistent with DoDD 5105.62 (Reference (ad)).

(c) Deputy Assistants, Special Assistants, and other subordinate officials to the ASD(NCB) as required.

(d) Such other organizations that are or may be established by the USD(AT&L) under the ASD(NCB) consistent with applicable law and within resources provided by the Secretary of Defense.

(3) Use existing systems, facilities, and services of the Department of Defense and other Federal agencies when possible to avoid duplication and achieve maximum efficiency and economy.

(4) Coordinate research and development oversight for CWMD with the Assistant Secretary of Defense for Research and Engineering, the USD(P&R), USD(I), and USD(P).

(5) Coordinate with the Commander, USSTRATCOM, and the USD(P) regarding nuclear weapons matters.

(6) Coordinate with the USD(P&R) on training policies, consistent with DoDD 1322.18 (Reference (ae)), associated with U.S. Armed Forces operating in a CBRN environment.

(7) Coordinate with the DoD CIO regarding electromagnetic pulse policy, guidance, and requirements for acquisition programs and the integration of these criteria into the DoD Electromagnetic Environmental Effects Program.

(8) Coordinate homeland defense and consequence management activities with the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, under the authority, direction, and control of the USD(P), consistent with the Strategy for Homeland Defense and Civil Support (Reference (af)).

(9) Coordinate DoD CWMD efforts with other OSD officials, the Heads of the DoD Components, other Federal officials and representatives of foreign governments as appropriate.



(10) Coordinate and exchange information with other OSD officials, the Heads of the DoD Components, and other Federal officials having collateral or related responsibilities and functions.

b. The other OSD officials and the Heads of the DoD Components shall coordinate with the ASD(NCB) on all matters under their purview related to the authorities, responsibilities, and functions assigned in this Directive.

6. AUTHORITIES. The ASD(NCB) is hereby delegated authority to:

a. Issue DoD Instructions, DoD Manuals, and one-time Directive-Type Memorandums consistent with DoD Instruction 5025.01 (Reference (ag)) that implement policy approved by the Secretary of Defense or the USD(AT&L) in areas of assigned responsibilities and functions. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands normally shall be communicated through the Chairman of the Joint Chiefs of Staff.

b. Obtain reports and information consistent with DoD Instruction 8910.01 (Reference (ah)) as necessary to carry out assigned responsibilities and functions.

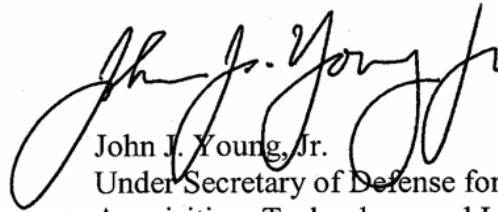
c. Communicate directly with the Heads of the DoD Components, as necessary, to carry out assigned responsibilities and functions, including transmitting requests for advice and assistance. Communications to the Military Departments shall be transmitted through the Secretaries of the Military Departments or their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of Staff.

d. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, to carry out assigned responsibilities and functions. Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs or the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense, as appropriate, and be consistent with the DoD Legislative Program.

7. RELEASABILITY. **Cleared for public release.** This directive is available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

8. SUMMARY OF CHANGE 3. This issuance is updated to include the new Directives Division website and to remove expiration language in accordance with current Chief Management Officer of the Department of Defense direction.

9. EFFECTIVE DATE. This directive is effective January 14, 2009.



John J. Young, Jr.  
Under Secretary of Defense for  
Acquisition, Technology and Logistics

Enclosure  
References

ENCLOSURE

REFERENCES

- (a) Title 10, United States Code
- (b) DoD Directive 5134.8, "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB))," June 8, 1994 (hereby canceled)
- (c) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- (d) National Military Strategy to Combat Weapons of Mass Destruction, February 13, 2006 <sup>1</sup>
- (e) DoD Directive 2060.02, "Department of Defense (DoD) Combating Weapons of Mass Destruction (WMD) Policy," April 19, 2007
- (f) DoD Instruction 3150.09, "The Chemical, Biological, Radiological, and Nuclear (CBRN) Survivability Policy," September 17, 2008, as amended
- (g) DoD Directive S-5210.81, "United States Nuclear Weapons Command and Control, Safety, and Security (U)," August 8, 2005<sup>2</sup>
- (h) DoD Instruction 5210.42, "Nuclear Weapons Personnel Reliability Program (PRP)," October 16, 2006
- (i) DoD Directive O-5210.41, "Security Policy for Protecting Nuclear Weapons," November 1, 2004
- (j) DoD Instruction S-5210.82, "Protection of Nuclear Weapons Coding Equipment (U)," August 22, 2006
- (k) DoD Instruction 4540.05, "DoD Transportation of U.S. Nuclear Weapons," June 23, 2011
- (l) DoD Instruction O-5210.63, "DoD Procedures for Security of Nuclear Reactors and Special Nuclear Materials (SNM) (U)," November 21, 2006
- (m) USD(AT&L) Memorandum to the Chairman, Defense Science Board, "Terms of Reference-Defense Science Board (DSB) Permanent Task Force on Nuclear Weapons Surety," November 17, 2006 <sup>3</sup>
- (n) DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007
- (o) DoD Directive 3150.08, "DoD Response to Nuclear and Radiological Accidents," January 20, 2010
- (p) Annex IV to National Security Presidential Directive 17/Homeland Security Presidential Directive 4, "National Technical Nuclear Forensics (U)," September 14, 2002
- (q) National Security Presidential Directive 43/Homeland Security Presidential Directive 14, "Domestic Nuclear Detection," April 15, 2005
- (r) DoD Instruction 5030.14, "Disclosure of Atomic Information to Foreign Governments and Regional Defense Organizations," August 17, 2011
- (s) Title 42, United States Code
- (t) National Security Presidential Directive 28, "United States Nuclear Weapons Command, Control, Safety, and Security," June 20, 2003

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<sup>1</sup> Copies may be obtained from the Internet at <http://www.defenselink.mil/pdf/NMS-CWMD2006.pdf>

<sup>2</sup> Copies of this reference and References (i), (j), and (l) may be obtained from the Internet at <http://www.dtic.smil.mil/whs/directives>.

<sup>3</sup> Copies of this reference and References (p), (q), and (t) may be obtained from the office of the ASD(NCB).

- (u) Sections 1522 and 1523 of title 50, United States Code
- (v) USD(AT&L) Memorandum, "Implementation Plan for the Management of the Chemical Biological Defense Program," as amended through October 1, 2007 <sup>4</sup>
- (w) DoD Directive 5160.05E, "Roles and Responsibilities Associated with the Chemical and Biological Defense (CBD) Program (CBDP)," October 9, 2008
- (x) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002, as amended
- (y) DoD Instruction 5210.65, "Minimum Security Standards for Safeguarding Chemical Agents," March 12, 2007
- (z) DoD Directive 5210.88, "Safeguarding Biological Select Agents and Toxins (BSAT)," February 11, 2004
- (aa) DoD Instruction 5210.89, "Minimum Security Standards for Safeguarding Biological Select Agents and Toxins," April 18, 2006
- (ab) DoD Directive 2060.1, "Implementation of, and Compliance With, Arms Control Agreements," January 9, 2001, as amended
- (ac) Section 1605 of Public Law 103-160, "National Defense Authorization Act for Fiscal Year 1994," November 30, 1993, as amended
- (ad) DoD Directive 5105.62, "Defense Threat Reduction Agency (DTRA)," November 28, 2005
- (ae) DoD Directive 1322.18, "Military Training," January 13, 2009
- (af) Strategy for Homeland Defense and Civil Support, June 2005 <sup>5</sup>
- (ag) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012
- (ah) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007

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<sup>4</sup> Available on the Internet at <http://www.acq.osd.mil/cp/dodg.html>

<sup>5</sup> Copies may be obtained from the Internet at <http://www.defenselink.mil/news/Jun2005/d20050630homeland.pdf>