



**Department of Energy**  
**National Nuclear Security Administration**  
Washington, DC 20585

February 15, 2007

MEMORANDUM FOR MICHAEL KANE  
ASSOCIATE ADMINISTRATOR FOR  
MANAGEMENT AND ADMINISTRATION

THRU: INGRID KOLB  
DIRECTOR  
OFFICE OF MANAGEMENT

FROM: WILLIAM H. TOBEY *W. H. Tobey*  
DEPUTY ADMINISTRATOR FOR  
DEFENSE NUCLEAR NONPROLIFERATION

SUBJECT: Request for NNSA to develop a DOE Order on Export  
Controls

PURPOSE: The purpose of the requested Order is to strengthen  
Department of Energy (DOE) export control awareness  
and compliance programs for transfers of unclassified  
equipment, materials, software and technology  
possessed or controlled by DOE and DOE contractors.

JUSTIFICATION: The Department of Energy has statutory responsibility  
for the review of equipment, materials, software and  
technology exports licensed by the Departments of  
Commerce (dual-use) and State (munitions), and the  
Nuclear Regulatory Commission. In addition, DOE  
administers the review of U.S. nuclear industry  
technology export requests pursuant to 10 CFR 810 and  
advises the Secretary of Energy on such requests.

These efforts are managed by the Office of Defense  
Nuclear Nonproliferation, which is responsible for  
responding to requests for guidance and advice from the  
DOE complex on U.S. export control laws, regulations,  
and policies. Legal authority for export control  
responsibilities are provided by a number of sources  
including: the Atomic Energy Act of 1954, as amended;  
the Nuclear Nonproliferation Act of 1978; the Export  
Administration Act of 1979, as amended; the



International Emergency Economic Powers Act, Executive Order 12981; and the Arms Export Control Act.

The Department of Energy is required to act in accordance with statutory export control requirements. However, there is no official DOE directive applying export control policy or procedures. The Order requested by this memo will clarify the responsibilities and requirements of DOE elements and contractors for the export or deemed export (transfer to a foreign national present in the United States) of controlled equipment, materials, software and technology. DOE elements carry out vital national security objectives; clarification and formalization of these responsibilities and procedural requirements is needed to ensure that the Department comply with U.S. statutory obligations, and that export control vulnerabilities are consistently addressed using appropriate export control awareness and compliance programs at all DOE laboratories and funded sites. This action will implement a recommendation of the DOE Inspector General (DOE/IG-0645).

**IMPACT:**

The Order will clarify the responsibilities and procedural requirements of DOE elements and contractors with responsibility for transfers of unclassified equipment, materials, software and technology, thereby supporting and strengthening efforts throughout the DOE complex to ensure that we reduce export control vulnerabilities. DOE laboratories and funded sites that have not assigned sufficient resources to meet their export control statutory requirements may need to increase budgets and personnel to comply with U.S. export control laws and regulations.

**CONTACT:**

Richard S. Goorevich, Director, Office of International Regimes and Agreements (NA-243) 202-586-0269.

**RECOMMENDATION:** That you approve the subject directive for development.

OFFICE OF MANAGEMENT'S RECOMMENDATION:

Recommend Approval: \_\_\_\_\_

Recommend Disapproval: \_\_\_\_\_

Timeframe: \_\_\_ 30 days \_\_\_ 60 days \_\_\_ 90 days \_\_\_ 120 days

Date: \_\_\_\_\_

NNSA'S DECISION:

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Date: \_\_\_\_\_

**Proposed Development Schedule  
for Order on Export Controls**

**The subject directive is proposed to be processed under Track 3**

<b>Milestone</b>	<b>Date</b>
NA-20 sends Justification Memorandum to Office of Information Resource Management, MA-44	February 16
NA-243 identifies Subject Matter Expert (SMEs) group (NA-243 and lab experts) to develop initial draft directive	March 2
SMEs complete draft directive	May 11
NA-243 sends draft directive to MA-44	May 18
MA-44 posts draft directive to RevCom for comments, comment resolution and concurrence (Track 3, 90 days)	June 1
Target completion	August 29