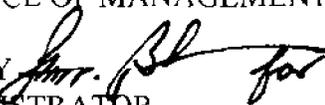


January 29, 2007

MEMORANDUM FOR MICHAEL KANE  
ASSOCIATE ADMINISTRATOR  
FOR MANAGEMENT AND ADMINISTRATION

THRU: INGRID KOLB  
DIRECTOR, OFFICE OF MANAGEMENT

FROM: WILLIAM TOBEY   
DEPUTY ADMINISTRATOR  
FOR DEFENSE NUCLEAR NONPROLIFERATION

SUBJECT: Request approval for the Office of International  
Regimes and Agreements (NA-243) to develop a DOE  
Notice on Guidance for the Import and Export of  
Radioactive Sources.

PURPOSE: The purpose of this Department of Energy (DOE)  
Notice will be to formalize relevant guidance contained  
in the International Atomic Energy Agency's (IAEA)  
Code of Conduct on the Safety and Security of  
Radioactive Sources (Code of Conduct) and its related  
Guidance on the Import and Export of Radioactive  
Sources (Import-Export Guidance). Consistent with  
the U.S. political commitment to act in accordance with  
the Code of Conduct, this Notice will outline  
responsibilities and procedures for DOE elements and  
contractors conducting imports and exports of  
radioactive sources within the scope of the Import-  
Export Guidance.

JUSTIFICATION: The IAEA Code of Conduct contains non-legally  
binding international guidance for control of radioactive  
sources used in non-military applications. The  
Import-Export Guidance provides detailed  
recommendations concerning the import and export  
provisions in the Code of Conduct. The U.S.  
Government agreed to work toward following the Import-  
Export Guidance beginning December 31, 2005.



The Energy Policy Act of 2005 (Public Law 109-58) established the Radiation Source Protection and Security Task Force, comprised of several federal agencies including DOE, to report on the security of sources in the United States and develop recommendations to further secure radioactive sources. The final report, transmitted to the President on August 15, 2006, noted DOE's internal efforts to follow the Import-Export Guidance and encouraged DOE to "finalize its import/export policy expeditiously."

DOE has independent legal authority under the Atomic Energy Act (AEA) of 1954 to conduct imports and certain exports of radioactive sources. Formalization of the Department's import and export procedures in support of the Code of Conduct and Import-Export Guidance procedures is required to support the U.S. political commitment and to ensure that DOE elements and contractors that conduct imports and exports in accordance with existing statutory authorities are not unduly or inappropriately affected by the Import-Export Guidance procedures. In addition, since formalization of the Import-Export Guidance may impact activities of several DOE program offices, NNSA will develop the Notice in close coordination with relevant DOE offices and the Office of General Counsel.

**IMPACT:**

The Department currently acts in accordance with the Code of Conduct and Import-Export Guidance, but there is no official DOE directive reflecting the Code of Conduct and related Import-Export Guidance. The proposed DOE Notice will outline responsibilities and procedural requirements for DOE elements and contractors with responsibility for imports and exports of radiological materials within the scope of the Code of Conduct and Import-Export Guidance.

**CONTACT:**

Office of International Regimes and Agreements  
(NA-243) 202-586-0269

**RECOMMENDATION:** That you approve the development of a DOE Notice to formalize guidance contained in the IAEA Code of Conduct and in the Import-Export Guidance.

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: \_\_\_\_\_