



**OFFICE OF INSPECTOR GENERAL**

U.S. Department of Energy

# INSPECTION REPORT

DOE-OIG-25-28

August 2025

**ALLEGATION REGARDING  
NATIONAL NUCLEAR SECURITY  
ADMINISTRATION LABORATORIES  
NOT FOLLOWING  
EXPORT CONTROL REGULATIONS**



**Department of Energy**  
Washington, DC 20585

August 7, 2025

**MEMORANDUM FOR THE ACTING ADMINISTRATOR, NATIONAL NUCLEAR  
SECURITY ADMINISTRATION**

**SUBJECT: Inspection Report: *Allegation Regarding National Nuclear Security Administration  
Laboratories Not Following Export Control Regulations***

The attached report discusses our inspection of the allegation regarding National Nuclear Security Administration Laboratories not following export control regulations. We did not substantiate the allegation that National Nuclear Security Administration Laboratories were not following export control regulations by publishing research to the public domain in violation of the International Traffic in Arms Regulations and applicable Department of Energy criteria. However, we did identify a concern with the application of an exemption within the International Traffic in Arms Regulations. This report contains two recommendations and one suggestion that, if fully implemented, should help ensure that the Department and its contractors are appropriately applying International Traffic in Arms Regulations exemptions for the publication of research. Management fully concurred with our recommendations.

We conducted this inspection from May 2024 through May 2025 in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation* (December 2020). We appreciated the cooperation and assistance received during this inspection.

A handwritten signature in blue ink, reading "Sarah Nelson", is positioned above the typed name.

Sarah Nelson  
Assistant Inspector General  
for Management  
*Performing the Duties of the Inspector General*  
Office of Inspector General

cc: Chief of Staff



## **Department of Energy Office of Inspector General**

### ***Allegation Regarding National Nuclear Security Administration Laboratories Not Following Export Control Regulations*** (DOE-OIG-25-28)

#### **WHY THE OIG PERFORMED THIS INSPECTION**

**The Office of Inspector General received a hotline complaint reporting concerns with National Nuclear Security Administration (NNSA) Laboratories not following export control regulations related to publishing research to the public domain. Export Controlled Information is defined as information which may include technology, technical data, assistance, or software; the export of which is controlled under various trade and economic sanctions and regulations due to its sensitive nature.**

**We initiated this inspection to determine the facts and circumstances regarding NNSA Laboratories not following export control regulations.**

#### **What Did the OIG Find?**

We did not substantiate the allegation that NNSA Laboratories were not following export control regulations by publishing research to the public domain in violation of International Traffic in Arms Regulations and applicable Department of Energy criteria. Our review focused on three research publications from Los Alamos National Laboratory and one from Lawrence Livermore National Laboratory. We found that Los Alamos National Laboratory's three publications were published in accordance with an exemption within the International Traffic in Arms Regulations. We also found that the article from Lawrence Livermore National Laboratory was not identified as export controlled. While the use of this exemption for review and approval may be allowable, according to NNSA officials it may not be the best process to approve publication of NNSA research to the public domain.

#### **What Is the Impact?**

While we found that the use of the exemption may be allowable, the concerns raised by NNSA officials identified the potential risk that NNSA research is being approved for public release under a review process that does not have the authority to give guidance or interpretation of what is covered under the International Traffic in Arms Regulations.

#### **What Is the Path Forward?**

We made two recommendations and one suggestion that, if fully implemented, should help ensure that the issues identified in this report are corrected.

## BACKGROUND

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The National Nuclear Security Administration (NNSA) is responsible for enhancing National Security through the military application of nuclear science. In support of this responsibility, NNSA conducts critical missions at sites nationwide, including Los Alamos National Laboratory (LANL) and Lawrence Livermore National Laboratory (LLNL). LANL and LLNL are both federally funded research and development centers that are Government-owned and contractor-operated on behalf of NNSA. LANL's priority roles are serving as a nuclear weapons design and production agency, addressing nuclear threats, and performing national security science, technology, and engineering. LLNL's mission is to enable U.S. security and global stability and resilience and to ensure the safety, security, and effectiveness of the Nation's nuclear deterrent.

Export Controlled Information is defined as information which may include technology, technical data, assistance, or software; the export of which is controlled under the Export Administration Regulations of the Department of Commerce, the International Traffic in Arms Regulations (ITAR) of the Department of State, 10 Code of Federal Regulations (CFR) part 810 of the Department of Energy, or various trade and economic sanctions. The ITAR regulates the export and import of defense articles and defense services. Specifically, items designated by the Secretary of State for purposes of export and temporary import control comprise the United States Munitions List. The export, re-export, re-transfer, or temporary import of defense articles must be approved by the Directorate of Defense Trade Controls, unless an exemption is applicable.

Included in 22 CFR Part 125.4, *Exemptions of General Applicability*, is an exemption to the export of technical data that does not require case approval from the Directorate of Defense Trade Controls. Specifically, the exemption requires approval from the Cognizant U.S. Government department or agency or the Office of Freedom of Information and Security Review, currently known as the Defense Office of Prepublication and Security Review (DOPSR),<sup>1</sup> and is applicable to information approved by the cognizant department or agency for release in any form.

Department Order 241.1B, *Scientific and Technical Information Management* (Order 241.1B), identifies export-controlled information as scientific and technical information and establishes requirements to ensure that scientific and technical information is appropriately managed. Order 241.1B specifically requires that scientific and technical information be reviewed to identify classified, nonproliferation, national security, export control, intellectual property, or personally identifiable information, and to mark such information according to Departmental directives. Prior to providing scientific and technical information for public release, a scientific and technical information Releasing Official must ensure that appropriate announcement and availability restrictions have been applied in accordance with statutory, regulatory, Executive Order, and/or other Departmental requirements. Department Order 471.7, *Controlled Unclassified Information* (Order 471.7), establishes the Department's Controlled Unclassified Information Program and documents the policy for designating and handling such information.

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<sup>1</sup> While the regulation mentions the Office of Freedom of Information and Security Review, we identified that this office separated into the Security Review Division and Freedom of Information Division in 2006. The former entity then changed its name to the Defense Office of Prepublication and Security Review in 2014.

Order 471.7 further establishes that export-controlled information is controlled unclassified information. All documents and matter must be reviewed to ensure they do not contain controlled unclassified information prior to public release.

In 2024, LANL produced a total of 12,263 journal article publications, 94 of which were sent to DOPSR for approval to publish in the public domain. LLNL produced 1,202 publications, 96 of which were sent to DOPSR for approval to publish in the public domain in fiscal year 2024.

On February 26, 2024, the Office of Inspector General received a complaint through the hotline reporting concerns with NNSA Laboratories not following export control regulations. Specifically, the complaint alleged that these Laboratories were not following export control regulations by publishing research to the public domain in violation of the ITAR and Department Orders 241.1B and 471.7. We initiated this inspection to determine the facts and circumstances regarding NNSA Laboratories not following export control regulations.

## **NNSA PUBLICATION OF RESEARCH IN THE PUBLIC DOMAIN**

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We did not substantiate the allegation that NNSA Laboratories were not following export control regulations by publishing research to the public domain in violation of ITAR and applicable Department criteria. Based on the facts and circumstances of the allegation, our review focused on three research publications from LANL and one from LLNL. We found that LANL's three publications were published in accordance with an exemption within the ITAR, and LLNL's article was not identified as export controlled. While the use of DOPSR for review and approval under the exemption might be allowable, according to NNSA officials, DOPSR review might not be the best process to approve publication of NNSA research to the public domain.

We found that LANL's three publications were published in accordance with an exemption within the ITAR. LANL published three research articles containing the ITAR under the license exemption found in 22 CFR 125.4 (b)(13). After performing reviews for public release in accordance with Department Orders 241.1B and 471.7 and internal policy, LANL identified ITAR information in each of the three research publications reviewed. The three research articles were reviewed and approved for public release by DOPSR, in accordance with 22 CFR 125.4 (b)(13), which provides license requirement exemptions for technical data approved for release by the cognizant Government department, agency, or DOPSR.

Further, we found that LLNL's article was not identified as export controlled. Internal reviews at LLNL did not identify the research publication as export controlled or unsuitable for public release. We found that in accordance with Department Orders 241.1B and 471.7 and LLNL's internal policy, this article that was reviewed for export-controlled information was found not to be subject to publication restrictions from export-control regulations, had no operational security concerns, and did not contain unclassified controlled information. This review went through multiple offices across the Laboratory, including classification and export control offices, and no operational security concerns were identified.

While our review did not identify concerns regarding LANL and LLNL following Federal and Department criteria when publishing these research articles, we found that the utilization of



DOPSR for review and approval of Department research publications might not be appropriate. NNSA officials' opinion was that although the ITAR allowed for the use of DOPSR in certain instances, DOPSR did not have the authority to give guidance or interpretation of what was covered under the ITAR or whether a publication might contain ITAR information. Further, NNSA officials stated that they advised export control officers to use the Department of State's Directorate of Defense Trade Controls review process instead of sending research articles to DOPSR for review. However, no NNSA-specific guidance had been issued, and the NNSA Laboratory personnel stated that as an ITAR registered entity, they were eligible to use exemptions stated within the regulation. NNSA officials stated they did not have the authority to compel or direct the use of a specific export control process, only the authority to advise the contractors based on the information available.

Although the use of DOPSR review and approval under the exemption might be allowable, the concerns raised by NNSA officials presented the risk that NNSA research was being approved for public release under a review process intended to review publications for national security concerns and not whether the information might be covered under the ITAR.

## RECOMMENDATIONS

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We recommend that the contracting officers at the Livermore Field Office and the Los Alamos Field Office:

1. Work with NNSA's Office of Nuclear Export Controls' Export Compliance Assistance Program to request an official advisory opinion, as outlined in 22 CFR 120.22 (c), *Interpretations of the International Traffic in Arms Regulations in This Subchapter*, from the Department of State Directorate of Defense Trade Controls regarding the utilization of DOPSR as an approver for the public release of information under 22 CFR 125.4 (b)(13) for Department of Energy/NNSA research; and
2. Implement any resulting guidance from the advisory opinion.

## SUGGESTION

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Although the scope of our review was limited to two Laboratories, we determined that there is potential for the concern identified to be present across the NNSA research complex. The President's America First Trade Policy outlines the need for a review of the United States' export control system, to include identifying and eliminating loopholes that exist in export controls, especially those that enable the transfer of strategic goods, software, services, and technology to strategic rivals and their proxies. Therefore, we suggest that the NNSA's Acting Administrator request an advisory opinion for NNSA research, as outlined in 22 CFR 120.22 (c), *Interpretations of the International Traffic in Arms Regulations in this Subchapter*, from the Department of State Directorate of Defense Trade Controls regarding the utilization of DOPSR as an approver for the public release of information under 22 CFR 125.4 (b)(13).

## **MANAGEMENT RESPONSE**

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Management fully concurred with our recommendations. Management stated the NNSA Office of Nuclear Export Controls will assist the Lawrence Livermore and Los Alamos Field Offices in their preparation of official Advisory Opinion requests to the Department of State Directorate of Defense Trade Controls for submission by December 31, 2025. Consistent with the report's recommendations, NNSA will take all necessary actions resulting from the State Department Advisory Opinion response.

Management's comments are included in Appendix 2.

## **INSPECTOR COMMENTS**

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Management's comments and corrective actions are responsive to our recommendations.

### **OBJECTIVE**

We initiated this inspection to determine the facts and circumstances regarding National Nuclear Security Administration (NNSA) Laboratories not following export control regulations.

### **SCOPE**

The inspection was performed from May 2024 through May 2025 at the Los Alamos National Laboratory in Los Alamos, New Mexico; and Lawrence Livermore National Laboratory in Livermore, California. The scope was limited to the facts and circumstances regarding the allegation concerning NNSA Laboratories not following export control regulation related to publishing research to the public domain. The inspection was conducted under Office of Inspector General project number S24OR018.

### **METHODOLOGY**

To accomplish our inspection objective, we:

- Reviewed relevant Federal, Department of Energy, and NNSA regulations, policies, procedures, and guidance;
- Interviewed key personnel at NNSA and its Laboratories; and
- Analyzed associated documentation related to the allegation.

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* (December 2020) as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions.

Management officials waived an exit conference on July 30, 2025.



## Appendix 2: Management Comments

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**Department of Energy**  
**Under Secretary for Nuclear Security**  
**Administrator, National Nuclear Security Administration**  
**Washington, DC 20585**



July 21, 2025

MEMORANDUM FOR THE SENIOR OFFICIAL PERFORMING THE DUTIES OF  
INSPECTOR GENERAL

FROM: TERESA M. ROBBINS   
ACTING UNDER SECRETARY FOR NUCLEAR SECURITY  
AND ADMINISTRATOR, NNSA

SUBJECT: Response to the Office of Inspector General (OIG) Draft Report,  
*Allegation Regarding National Nuclear Security Administration  
Laboratories Not Following Export Control Regulations (S24OR018)*

Thank you for the opportunity to review and comment on the subject draft report. The National Nuclear Security Administration (NNSA) appreciates OIG's independent review of the allegations related to the publication of research containing export-controlled information.

NNSA and our national laboratories take export control compliance seriously. The NNSA Office of Nuclear Export Controls will assist the Lawrence Livermore and Los Alamos Field Offices in their preparation of official Advisory Opinion requests to the Department of State Directorate of Defense Trade Controls for submission by December 31, 2025. Consistent with the report's recommendations, NNSA will take all necessary actions resulting from the State Department Advisory Opinion response. If you have any questions regarding this response, please contact Mr. George Aaron Webb, Acting Director, Audits and Internal Affairs, at (301) 903-3436.

## FEEDBACK

The Office of Inspector General has a continuing interest in improving the usefulness of its products. We aim to make our reports as responsive as possible and ask you to consider sharing your thoughts with us.

If you have comments, suggestions, and feedback on this report, please reach out to us at [OIG.Reports@hq.doe.gov](mailto:OIG.Reports@hq.doe.gov). Include your name, contact information, and the report number.

For all media-related questions, please send inquiries to [OIGpublicaffairs@hq.doe.gov](mailto:OIGpublicaffairs@hq.doe.gov) and include your name, contact information, and the report number.