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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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CHAIRMAN

April 13, 2007

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Mr. Glenn S. Podonsky
Director
Office of Health, Safety and Security
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Podonsky:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, January 30, 2007, at the hearing entitled "Continuing Security Concerns at Los Alamos National Laboratory." We appreciate the time and effort you gave as a witness before the Subcommittee.

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from certain Members of the Committee. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's question along with your response. In the event you have been asked questions from more than one Member of the Committee, please begin the responses to each Member on a new page.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business Friday, April 27, 2007. Your written responses should be delivered to room 2125 Rayburn House Office Building and faxed to (202) 225-5288 to the attention of Kyle Chapman. An electronic version of your response should also be sent by e-mail to Mr. Kyle Chapman at kyle.chapman@mail.house.gov in a single Word formatted document.

Glenn S. Podonsky
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Kyle Chapman of the Majority Committee staff at (202) 226-2424.

Sincerely,

JOHN D. DINGELL
CHAIRMAN

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Bart Stupak

1. Section 3147 of the National Defense Authorization Act for Fiscal Year (FY) 2000 [Public Law (P.L.) 106-65] added a new section 234B to the Atomic Energy Act of 1954 (the Act) (42 United States Code 2282b) which authorizes fines and award fee reductions for contractors who violate rules, regulations or orders pertaining to safeguarding restricted data, classified, or other sensitive information. It was signed October 5, 1999, yet the Department of Energy (DOE) regulations [10 Code of Federal Regulations (CFR) 824] to implement the enforcement provisions of Section 234B were promulgated on January 26, 2005. Why did it take DOE more than 5 years to promulgate this enforcement rule?
2. On what date did the enforcement rule become enforceable?
3. Has DOE determined whether it must amend these regulations to include the changes made by Section 610 of the Energy Policy Act of 2005 (P.L. 109-58), which removed the exemption for penalties against non-profit contractors?
4. Since 10 CFR 824 was finalized in January 2005, please provide details on how many violations have been self-reported, field inspections conducted, compliance orders issued, and fines assessed pursuant to 10 CFR 824? Are contractors required to self-report violations?
5. How many full-time equivalents (FTEs) are presently assigned for enforcement of the security rule. What is the budget for the enforcement activities required to implement Section 234B in FY 2005, FY 2006 and FY 2007? How many FTEs are budgeted for Section 234B enforcement activities for FY 2008? What is the proposed budget for FY 2008 to enforce Section 234B?
6. Did Los Alamos National Security (LANS) or the University of California self-report a violation of Section 234B to the Office of Health, Safety and Security related to the October 17 discovery of classified information at the home of a subcontractor employee? On what date? How many other security violations have been self-reported by contractors at the Los Alamos site under the rule? Please provide a list.
7. Does your Office consider LANS to be a “for-profit” contractor?
8. Your testimony stated that the Secretary has asked your office to organize and lead a joint task force to review the department’s overall Personnel Security Program and Policies (pp. 10). Is there an inherent conflict for your Office to be involved in the establishment of security policies and simultaneously conducting oversight on the effectiveness of those policies?

The Honorable Ed Whitfield

1. What is the timeline for assessing any civil fines or penalties against LANS or the University of California with respect to this most recent security incident?