



Department of Energy

Washington, DC 20585

November 29, 2005

MEMORANDUM FOR LINTON F. BROOKS
ADMINISTRATOR
NATIONAL NUCLEAR SECURITY
ADMINISTRATION

DAVID K. GARMAN
UNDER SECRETARY FOR ENERGY,
SCIENCE AND ENVIRONMENT

FROM: GLENN S. PODONSKY
DIRECTOR
OFFICE OF SECURITY AND SAFETY
PERFORMANCE ASSURANCE

SUBJECT: Civil Penalties

As you know, the *Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations* was published this year. In April, the Deputy Secretary assigned security enforcement responsibilities for implementation to the Office of Security and Safety Performance Assurance. My staff has been working to implement the Rule, using the Department's Price Anderson Amendments Act enforcement program as a model. Efforts to educate line management organizations on the security enforcement program have been initiated, beginning with an introductory briefing provided to attendees at the Nuclear Executive Leadership Training in May and subsequently to other key elements within the Department.

Our roll-out strategy is straight forward and one for which we solicit your assistance. Education and communication are paramount, and to that end the following work has been or is being completed:

- A Webpage has been designed for information, education, and frequently asked questions.
- National Training Center curricula will include a block of instruction for security civil penalties for courses such as Basic Security Survey, Classified Matter Protection and Control, and Conduct of Inquiries.
- A Roles, Responsibilities, and Operational Procedures document has been drafted to outline the enforcement process.

It is for next steps that I solicit your support. First, I request you provide me with the names of nominees to work on a Headquarters task force assigned to work



together and review the roles, responsibilities, and operational procedures documentation to ensure it conveys the requirements of the security enforcement process and the openness with which it will be implemented. Additionally, to facilitate good communications, integration, and the successful implementation of the security enforcement process, formally designated and trained points of contact within all Federal and contractor field security organizations will need to be identified.

Second, in 2000 the Department established the Incident Tracking Analysis Capability (ITAC) which is used as the primary source of information for the identification of confirmed or potential violations of classified information security requirements. Currently, noncompliances that meet the reporting thresholds described in DOE M 470.4-1, *Safeguards and Security Program Planning and Management* must be reported in ITAC. Under the Security Enforcement Program, the noncompliances must be reported in ITAC to obtain consideration for mitigation of enforcement sanctions. The ITAC System's programming is being enhanced to better support the self-reporting needs of the enforcement program; however, your assistance is needed to ensure ITAC deployment at your sites is accelerated.

My staff stands ready to provide you with any additional information regarding this initiative. We will schedule the first task force meeting to work on finalizing the procedures documentation when we receive your nominations.

If you have any questions, please contact me

cc: Clay Sell, S-2
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