1 July 2009

From: Mr. Mark D. Siciliano

To: [redacted]

Via: [redacted]

SUBJ: REPORT OF SECURITY DISCREPANCY

1. In response to your request for information dated 16 April, 2009, I offer the following facts and observations:

Fact: The specific date that files were moved out of SAF to excess property is either not known or not specified.

Fact: The names of the individuals that moved these items to excess property are either unknown or not specified.

Fact: The INL employee initially responsible for the document retired in May, 2007.

Fact: I was hired at the INL as the SOCOM Relationship Manager in June, 2007.

Fact: I had no managerial oversight role over D620 when I was hired.

Fact: I was asked to accept an "acting" department manager position in August/September of 2007.

Fact: I have no knowledge of this incident because I was not an employee when the cleanout and subsequent transfer of materials to excess property took place.

Fact: On the date that the material was transferred to excess property I was on Active Duty and subject to the Uniform Code of Military Justice, Federal, State and local laws, but not INL or DOE policies or procedures.

Fact: I have been identified in Block 2 of DOE Form 5630.13 as "the person responsible for this incident," and in Block 5 I am requested to sign the form as the "individual responsible for the incident."

Observation: I believe the DOE form ***implies guilt*** and is not in alignment with the most rudimentary rights of due process. It is offensive, arbitrary and capricious to say the least and it needs to be revised. My sense is that everyone knows this, but I have no visibility if anyone is working on a revision.

Observation: I question the date of the incident. The date the document was found was December of 2008. **The actual date the document was not safeguarded, or more clearly, control was lost, is undetermined, but probably May of 2007**.

Observation: We have implemented new policies and procedures as they pertain to cleanout procedures to afford better oversight and control.