

**From:** [Phil Rutherford](#)  
**To:** [alexander.morris@hq.doe.gov](mailto:alexander.morris@hq.doe.gov); ["O'donnell, Jordan \(CONTR\)"; michelle.fletcher@hq.doe.gov](#)  
**Subject:** RE: RE Your FOIA Request number HQ-2024-01615-F  
**Date:** Friday, April 5, 2024 5:33:01 PM

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Dear FOIA Team,

Thank you or your letter of April 4, 2024, regarding fee waivers for FOIA request HQ-2024-01615-F.

I would like to extend the original request to include the letter of reply (date unknown) that Secretary Richardson presumably sent to Senator Feinstein in response to her May 5, 1999, letter.

Regarding the issue of fees, I find the statement, "DOE's FOIA regulations require that your request must explicitly state that you will pay all fees associated with processing the request, that you will pay fees up to a specified amount, and/or that you are seeking a waiver" to be bizarre and illogical. The first option is akin to buying a car, agreeing to pay the price but not being told what the price is.

Apparently, DOE is not able to give me an up-front estimate of the costs of processing this FOIA, so how am I expected to know what the costs will be. I do not intend to sign a blank check. I would be prepared to agree to a nominal fee for one letter. However, the time to find that letter, the ease (or otherwise) of searching and retrieving a 25-year-old letter, and the hourly rate of individuals doing the search (including salary, benefits and overhead) are all unknown to me.

Given the above imponderables, I hereby request a fee waiver for the following reasons.

- The request involves communication between federal legislators and the DOE. It therefore concerns "*operations and activities of the government.*"
- It is illustrative of the means by which a non-governmental organization can influence a member of congress who, in turn, influences a governmental department. It therefore contributes to the informative value of how outside influence guides government operations and activities.
- I include personal communications with state and federal agencies in my website that is available to the public. This includes the current and prior FOIA requests. See <https://philrutherford.com/ssfl.html>. An existing online paper discusses Senator Feinstein's letter, though without a copy of the letter. See [https://philrutherford.com/SSFL/Offsite\\_Impact\\_of\\_SSFL.pdf#page=158](https://philrutherford.com/SSFL/Offsite_Impact_of_SSFL.pdf#page=158). I therefore "*have the ability and intention to disseminate this information to the public.*"

- The website is free for public use and *“there exists no commercial interest.”*
- The subject of the letter, namely cleanup standards at the Santa Susana Field Laboratory, has been, and continues to be, a hot topic among SSFL stakeholders. Disclosure of this public domain letter *“is likely to contribute significantly to public understanding of government operations or activities.”*

Sincerely,

Phil Rutherford Consulting

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**From:** michelle.fletcher@hq.doe.gov <michelle.fletcher@hq.doe.gov>

**Sent:** Thursday, April 4, 2024 7:08 AM

**To:** email@philrutherford.com

**Subject:** RE Your FOIA Request number HQ-2024-01615-F

Mr. Rutherford,

In regards to your FOIA request of April 03, 2024, please review the attached document. In order to process your request, a response is required within 5 business days. Thank you.