



March 30, 2024

Via Email to foiaoig@hq.doe.gov and [Online](#)

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Anthony Cruz
Assistant Inspector General
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Office of Inspector General
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Washington, DC 20585

Subject: FOIA Request HQ-2024-01160-F

Dear Mr. Cruz,

Thank you for your [letter of March 26, 2024](#), transmitted via [email](#) relating to [FOIA request HQ-2024-01160-F](#) for information relating to OIG investigation of [complaint 23-0160-C](#). I have a few comments.

Comments on [Letter](#), dated March 26, 2024

- You identify “nine documents responsive to [my] request.” Document 3 is my original letter submitting [complaint 23-0160-C](#). Documents 5, 6, 7, 8, and 9 are emails and email chains between me and IGHOTLINE. Clearly this correspondence is in my possession and does not include any additional information not already known to the complainant.
- Please identify the scope and contents of Document 4 that is being “referred to the Office of Environmental Management for a determination regarding its releasability.” Document 4 is not identified in your document list. It appears to me that the unidentified document may be of the most interest. Referring to EM to determine releasability appears to have zero chance of success, since it is the EM hierarchy that ignored my [original complaint to ETEC management and EM](#). What response date did OIG give to the Office of Environmental Management for determination of release of Document 4?
- Please refer to the sections below for comments on [Document 1](#) and [Document 2](#).



- Your letter deals almost exclusively with privacy protections detailed in the [Freedom of Information Act](#), 5 USC § 552(b)(6) and (b)(7)(C) and the competing DOE FOIA requirements of “*in the public interest*” detailed in [10 CFR § 1004](#). Your letter states ...
 - *“To the extent permitted by other laws, the DOE, will make records available which it is authorized to withhold under 5 U.S.C. § 552 whenever it determines that such disclosure is in the public interest. See 10 C.F.R. § 1004.1.”*
 - *“As required, all releasable information has been segregated from the material that is withheld and is provided to you. See 10 C.F.R. § 1004.7(b)(3).” [1004.7(c)(3)?]*
- The foregoing generic discussion seems to imply that DOE will determine what is “*in the public interest*” and what is not, without providing any meaningful basis for its decision. The extent which OIG is resting on privacy concerns appears to be not so much as protecting individuals, but a blatantly contrived cover-up of quality failures of a federal organization.
- Please explain why Document 5, which is the [February 10, 2023, email from me to the OIG Hotline](#), submitting the original [complaint letter](#), has been redacted. It was written by me and, of course, is not being provided to me. So who and or what is being protected here?
- Your “final” letter has zero reference to the specific allegations of the original complaint, zero reference to specifics of the OIG investigation of the complaint. It does not rebut, deny, or concur with any of the specific allegations of the complaint. It does not provide any meaningful information of any OIG investigation of the complaint. It ignores my specific requests in [FOIA HQ-2024-01160-F](#). The extent of obfuscation in this letter is unacceptable, almost laughable. Fourteen months have gone by since the original complaint to OIG, and this is the best that OIG can do?

Comments on [Document 1](#) - Memorandum to Senior Advisor for the Office of Environmental Management, dated March 16, 2023

- William “Ike” White has been the Senior Advisor for the Office of Environmental Management since 2019, a position that was once known as EM-1. Therefore, he has been the DOE executive in charge of the environmental cleanup and nuclear decommissioning at the Energy Technology Engineering Center, during the entire period of the building demolition and waste disposal decisions that form the backdrop of the subject complaint.
- The OIG memorandum is notification, dated March 16, 2023, to EM-1 of the subject complaint HQ-2024-01160-F. It requests a 30-day calendar response, “*regarding the actions you have taken, or plan to take, related to this complaint.*” OIG would then “*determine if*



further OIG action is warranted.”

- It should be noted that Mr. White was included on distribution for the original [complaint to ETEC management](#) and subsequent communications including the [OIG complaint](#), and was therefore fully aware (or should have been) of the details of the allegations of the complaint.
- The memorandum goes provides a brief four-paragraph (occasionally misleading) summary of the complaint.
- The memorandum was originally CUI (controlled unclassified information) and was subsequently approved for public release by OIG following redaction of individual personal data. Certain information on individuals was redacted from the released version including ...
 - Name of OIG sender
 - Name, phone number and email address of OIG Lead Investigator
- I have three specific questions on this memorandum.
 - Did OIG receive a response from Mr. White within the 30-day period, or any time thereafter? Please provide a copy of that response.
 - Is Mr. White’s response the unidentified Document 4 that OIG is now asking Mr. White for approval to release?
 - Possible attachments to the memorandum are mentioned. What additional attachments were provided as part of this memorandum, other than the Complaint Form?

Comments on [Document 2](#) - 23-0160-C Complaint Form, opened March 2, 2023, closed August 3, 2023

- ID information was redacted for two earlier related (?) complaints from the general public and an active DOE employee.
- The Complaint Form provides a brief four-paragraph (occasionally misleading) summary of the complaint.
- Although several related online links were provided, the [original complaint to ETEC](#) and the [original complaint to OIG](#) were not provided. Did OIG provide both these online materials to Mr. White via other communication?



- Page 2 of the Complaint Form alleges that the Hotline requested additional information from the complainant on February 16, 2023. If this was an email request, the complainant has no record of receiving the subject email. Perhaps it went into a spam folder. Nevertheless several voicemail and email communications with OIG requesting status occurred during April, June, and August of 2023, without any mention of OIG wanting additional information.
- Section V of the Complaint Form deals with the complaint disposition. It refers to CCC review and disposition. What is CCC? Please provide communication between OIG and EM-1 documenting the CCC review on August 3, 2023, and the basis for closing the complaint.

Closing Comments

The above Memo and Complaint Form provide brief summaries of the complaint. However, since they are both notifications to EM-1 of the complaint, neither provides any detailed rebuttal or denial of, or concurrence with, any of the specific allegations of the complaint. They do not provide any meaningful information of any EM or OIG investigation of the specifics of the complaint. Since they pre-date the FOIA, they are of course silent on the specific requests in [FOIA HQ-2024-01160-F](#).

It is not obvious from review of the limited information in the above three documents, how extensive, and how independent, the OIG investigation of the complaint is (or indeed any complaint to OIG). OIG appears to be relying almost entirely on an, as yet, unidentified, and unproduced, Document 4 from EM-1, to make its determination that "no further action is warranted." No independent investigation by OIG is apparent from the material produced.

Thank you for the information on the appeal process. I will await the result of OIG's request to EM-1 to release Document 4, before submitting an appeal.

Thank you also for the information on judicial review by the US District Court. The total lack of any evidence from OIG and EM-1 rebutting the specific allegations of the complaint would not be viewed favorably in any court of law.

Sincerely,

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cc

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