



Department of Energy

Washington, DC 20585

April 4, 2025

Phil Rutherford
8655 Delmonico Avenue
West Hills CA 91304

Via email: email@philrutherford.com

RE: HQ-2024-01160-F

Dear Phil Rutherford

This is a final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

I am requesting the complete file on the DOE Office of Inspector General's complaint 23-0160-C.

The requested OIG investigation records should be in PDF format and include All written (email/text/mail/fax) communications between OIG investigators and other referenced parties in the complaint. All written records of all telephone/Webex/Zoom/Teams' communications between OIG investigators and other referenced parties in the complaint. "Other referenced parties" includes, ETEC management and staff, North Wind Portage management and staff, DOE-EM management and staff, DOE-HQ management and staff DTSC management and staff Energy *Solutions* management and staff, Utah Division of Waste Management and Radiation Control management and staff. All analysis/reports/documentation performed by OIG investigators.

Documentation of the added cost of disposing the subject waste to Energy *Solutions* instead of a California waste disposal facilities compliant with California Executive Order D-62-02 (2002). Timeline of investigation, including start date and end date. Criteria by which OIG investigators used to determine that "no further action" was needed, including, OIG's dispute that limited data from a contaminated facility was inappropriately applied to decommissioned facilities and non-radiological facilities when specific data from those facilities was available.

OIG's dispute that widespread data in NRC 540/541 manifests were demonstrably, and intentionally falsified, OIG's dispute that taxpayers' dollars were wasted for political reasons. Copy of the email/mail by which complainant was notified that the investigation had been closed. Name(s)



of personnel completing and signing the NRC 540/541 Uniform Low-Level Radioactive Waste Manifests."

Your request was assigned to DOE's Office of Inspector General (OIG) to conduct a search of its files for responsive documents. On March 26, 2024 OIG provided you with a response containing nine (9) documents. In that same letter, you were informed that during the search for documents responsive to the request, OIG located one (1) document containing DOE's Office of Environmental Management (EM) equities. EM has completed its review of this document.

Upon review, DOE has determined that certain information should be withheld from the document pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. §§ 552. The document is being released to you as described in the accompanying index.

Exemption 6 is generally referred to as the "personal privacy" exemption; it provides that the disclosure requirements of FOIA do not apply to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). In applying Exemption 6, the DOE considered: 1) whether a significant privacy interest would be invaded; 2) whether the release of the information would further the public interest by shedding light on the operations or activities of the Government; and 3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The information withheld under Exemption 6 consists of names, phone numbers, email addresses, job titles. Since no public interest would be served by disclosing this information, and since there is a viable privacy interest that would be threatened by such disclosure, Exemption 6 authorizes withholding the information. Therefore, we have determined that the public interest in the information's release does not outweigh the overriding privacy interests in keeping it confidential.

Exemption 7 protects from disclosure "records or information compiled for law enforcement purposes" that fall within the purview of one or more of six enumerated categories. To qualify under Exemption 7, the information must have been compiled, either originally or at some later date, for a law enforcement purpose, which includes crime prevention and security measures, even if that is only one of the many purposes for compilation.

Exemption 7(C) provides that, "records of information compiled for law enforcement purposes" may be withheld from disclosure, but only to the extent that the production of such documents "could reasonably be expected to constitute an unwarranted invasion of personal privacy...". 5 U.S.C. § 552(b)(7)(C). In applying Exemption 7(C), DOE considered whether a significant privacy interest would be invaded, whether the release of the information would further the public interest in shedding light on the operations or activities of the Government, and whether in balancing the privacy interests against the public interest, disclosure would constitute unwarranted invasion of privacy.

The information withheld under Exemption 7(C) consists of personally identifiable information of OIG investigative personnel. These individuals have a significant privacy interest in their identities, which, if known, could pose a serious safety risk to them and may result in an unwarranted invasion of their privacy. Releasing the identities of investigative personnel would reveal little about the operations or activities of the Government. Therefore, disclosure of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy and will be withheld pursuant to Exemption 7(C).

This satisfies the standard set forth at 5 U.S.C. § 552(a)(8)(A) that agencies shall withhold information under FOIA “only if (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption...; or (II) disclosure is prohibited by law...”. 5 U.S.C. § 552(a)(8)(A) also provides that whenever full disclosure of a record is not possible, agencies shall “consider whether partial disclosure of information is possible...and (II) take reasonable steps necessary to segregate and release nonexempt information.” Therefore, we have determined that, in certain instances, a partial disclosure is proper.

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that “any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.” 5 U.S.C. § 552(b). As a result, a redacted version of the documents is being released to you in accordance with 10 C.F.R. §1004.7(c)(3).

This determination, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase “Freedom of Information Appeal” in the subject line (this is the preferred method by the Office of Hearings and Appeals). The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE’s records are situated; or 4) in the District of Columbia.

You may contact DOE’s FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, via email at alexander.morris@hq.doe.gov, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park,

Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. See 5 U.S.C. § 552(a)(4)(A)(i); see also 10 C.F.R. § 1004.9(a). For purposes of assessment of any fees, you have been categorized under the DOE regulation that implements the FOIA at Title 10, Code of Federal Regulations (CFR), Section 1004.9(b)(4), as an “other” requestor. Requestors in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. DOE’s processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Thus, no fees will be charged for processing your request.

This is the final response that you will receive regarding your request from this office. You may contact Tavis Williams with any questions about this letter via email at tavis.williams@hq.doe.gov.

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C. Morris
FOIA Officer
Office of Public Information

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At this time, the Office of the Inspector General (OIG) has located one (1) document responsive to your request.

- One (1) document *is being released in part pursuant to Exemptions (b)(6) and (b)(7)(c).*