



April 6, 2025

Via Email to tavis.williams@hq.doe.gov

Online at [Letter to Tavis Williams](#)

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Department of Energy
FOIA Office
1000 Independence Ave. SW
Washington DC 20585
Attn: Tavis Williams

Subject: Final Response to FOIA Request HQ-2024-01160-F

Dear Mr. Williams,

On April 4, 2025, I received an [email from Jennifer Canady](#) together with an attached letter signed by Richard Hayes on behalf of Alexander Morris, with a request to reply to you, Tavis Williams. I guess the DOE FOIA office believes in spreading the responsibility. The FOIA Office letter was a [“final response” to FOIA request HQ-2024-01160-F](#).

This communication also finally provided the July 13, 2023, [EM Investigation Report](#) of the February 10, 2023 [OIG complaint 23-0160-C](#). In addition, the responsive document also included [EM’s response memorandum to OIG](#) dated, July 14, 2023. Both these documents together comprised what has been referred to in previous communications as “Document 4.”

Comments on EM’s Investigation Report of OIG Complaint 23-0160-C

Although DOE EM did its best to whitewash and side-step the specific allegations of the complaint, several statements in EM's investigation report clearly suggest culpability, and acknowledgement of the complaint's major allegations. See quotations below.

Re-defining of LLRW

In response to the allegation of re-defining LLRW by sending debris from non-contaminated, non-radiological buildings to a LLRW disposal site, EM acknowledged,



- "... the Amendment to the Order on Consent stated, "Debris from buildings 4038, 4057, 4462 and 4463 will be disposed of out of the State of California and **out of an abundance of caution**, at an authorized mixed low-level radioactive waste disposal facility ..."
- "When signing these documents, **Mr. White was aware of the abundance of caution that was applied in making this decision on disposal of building demolition debris**. Given the options available to him, in reaching an agreement with the State of California, Mr. White determined that **signing these orders was the best option for the government.**"

Clearly Mr. White, Senior Advisor to EM was uncomfortable agreeing to the demands of the California DTSC but felt that EM had no option but to sign the two Orders.

Falsification of Data

In response to the allegation of falsification of data by assigning maximum contamination data from one contaminated RMHF facility to all other decommissioned buildings and non-radiological buildings, EM acknowledged,

- **"We conservatively used worst case radiological data from the facilities to create the waste profile and NRC 540/541 shipping documentation. This approach was utilized to comply with the 2020 Orders requiring that all demolition debris be disposed of at a licensed low level waste landfill outside of the state of California."**

In response to the allegation of falsification of manifest data, including multiple containers with identical waste weights and radionuclide activities, and other multiple containers with identical radionuclide activities but different weights, EM acknowledged,

- **"During the live-load and go campaign of buildings 4462 and 4463, pre-set activities were established based on maximum allowable transport weight."**

Irresponsible Cost Expenditure

In response to the allegation of wasted costs, DOE EM is silent. Disposal of the subject non-LLRW demolition debris as LLRW out-of-state, obviously costs more than disposing in-state to appropriate permitted Class 1 or 2 disposal facilities, in compliance with [California Executive Order D-62-02](#). In addition, it violates DOE waste minimization policies.



Cover Up

The original complaint to DOE was made in January 2023, twenty-seven months ago. The subsequent complaint to DOE OIG was made in February 2023. The EM investigation report was completed in July 2023. The "final response" from DOE was emailed to me in April 2025, twenty-one months after the date of EM's investigation report. The simple fact that it has taken this long and extensive communication with DOE to extract a "final response," is proof that DOE management has done its best to cover up this investigation.

Other Comments on the FOIA Office's Final Response Letter

The [final response letter](#) for HQ-2024-01160-F opens and closes with two redundant recitations of my [FOIA request](#), which included a request for **all communications** between OIG and all relevant parties responsible for the waste shipping.

The EM investigation report mentions the activities of all relevant parties involved in the waste shipping process, including oversight, quality assurance and regulatory compliance. Yet neither EM nor OIG provides any documentation of any communications between these parties as part of the "investigation."

Personal Privacy

The FOIA Office's final response letter goes to extraordinary lengths, in a page and a half of boiler plate, as to why exemptions 6 and 7(C) are used to protect the personal privacy of OIG personnel involved in the OIG investigation. I have responded to this misguided red herring at length in [previous communication with OIG](#) and will not repeat here.

Superficial OIG Investigation

In reality, the OIG itself did little or no real investigation, only shuffled paper. OIG simply asked EM to investigate and respond to the complaint. Numerous communications from the FOIA office implied that Document 4 was being reviewed and re-reviewed in order to redact personnel privacy issues. In reality, the responsive document (Document 4) needed only three redactions of OIG employee's names. Hardly cause for months and months of delays. Apparently, only OIG paper shufflers are afforded this protection, since EM personnel names are not protected, e.g. White, Harms, Sosson, Pearson-Hurley, Trischman, Zimmerman, and Bell. Neither do FOIA personnel need protection. Unbelievable!!!



Processing Costs

Finally, the final response letter discusses fees. Mr. Hayes states that “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.” I guess I should be pleased. However given that the current federal minimum wage in DC is \$17.50, that means that the person-hours spent by the FIOA Office in processing this request is 51 minutes at minimum wage, or less, assuming FOIA personnel are paid more than the minimum wage. Even though this makes no sense, as with most of my experience with DOE over the last two years, it is a reasonable estimate of the value of the information that I have received from DOE.

Closing Comments

I do not know if my recent communications to [Secretary Wright, President Trump](#) and [DOGE](#) encouraged the recent final response letter from the DOE FOIA Office. Probably not!!! Nevertheless, I appreciate this final closure of sorts.

The foregoing comments are somewhat rhetorical, in that I do not expect, nor do I seek, any further response from DOE. They merely represent my closing observations.

Sincerely,

Phil Rutherford

cc

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