

**COMPLAINT FORM STATUS**

PRE-DECISIONAL:

FINAL:



**U.S. DEPARTMENT OF ENERGY  
OFFICE OF INSPECTOR GENERAL**

**COMPLAINT FORM**

**I. REFERENCE DATA**

Complaint No:	23-0160-C	Complaint Taken By:	(b)(6), (b)(7)(C)
Date:	10FEB2023	Complaint Method:	E-Mail

**II. COMPLAINANT INFORMATION**

Name:	Phil Rutherford		
Use Name Outside OIG:	N/A		
OIG Confidentiality Policy Explained:	No		
Acknowledged Understanding of OIG Confidentiality Policy:	No		
Advised of OIG Disposition Options:	No		
Complainant Referred to OIG Web Site for Details on Allegation Processing:	No		

Complainant Status:	Private Citizen		
Employer:	Phil Rutherford, LLC		
Position/Title:	President		
Work Address: (Street)	8655 Delmonico Ave		
(City, State & Zip):	West Hills, CA 91304		
Telephone & E-mail:	818-912-1501	email@philrutherford.com	
Home Address: (Street)	Unknown		
(City, State & Zip):	Unknown		
Telephone & E-mail:	Unknown	Unknown	

**III. ALLEGATION(S)** (Who, What, When, Where, Why and How. Identify Attachments, Documentation and Witnesses.)

**OVERVIEW:**

On 10 Feb 2023, the Hotline received a complaint from Phil Rutherford, private citizen and President of Phil Rutherford LLC, alleging the Department of Energy (DOE) Office of Environmental Management (EM) wasted taxpayer dollars, violated a consent order and State of California Executive Order, and did not use appropriate methodologies or maintain proper oversight for shipping paperwork during the demolition and disposal of building waste from the former Energy Technology Engineering Center (ETEC) at the Santa Susana Field Laboratory in California.

**ALLEGATION DETAILS:**

On 10 Feb 2023, the Hotline received a complaint from Phil Rutherford, private citizen and President of Phil Rutherford LLC, alleging the Department of Energy (DOE) Office of Environmental Management (EM) wasted taxpayer dollars, violated a consent order and State of California Executive Order, and did not use appropriate methodologies or maintain proper oversight for shipping paperwork during the demolition and disposal of building waste from the former Energy Technology Engineering Center (ETEC) at the Santa Susana Field Laboratory in California.

According to Rutherford, EM signed an amendment to a consent order with the State of California Department of Toxic Substances Control (DTSC) on 30 Oct 2020. The amendment and original order (signed 19 May 2020) are related to the demolition and removal of building debris at the former ETEC and Radioactive Materials Handling Facility (RMHF) Complex. The complainant claimed all building demolition waste (whether decommissioned material or non-radiologically impacted debris) was eventually sent to the licensed Low Level Radioactive Waste (LLRW) facility at Clive, UT operated by EnergySolutions. The complainant alleged DOE wasted funds because it would have been more cost effective to send the waste to a licensed California disposal site or the DOE-authorized facility at the Nevada National Security Site (NNSS). The complainant also alleged sending the demolition to waste violated California Executive Order D-62-02 because not all building waste was LLRW.

The complainant, through a Freedom of Information Act (FOIA) request, obtained EnergySolutions' radioactive waste profile records and low-level radioactive waste manifests for approximately 408 shipments to the facility in Utah. According to the complaint, the records used limited survey data and the limited data was not used appropriately. The data came from a contaminated, non-decommissioned facility and was used to characterize demolition debris from different facilities. The complainant also claimed the records did not identify specific building names, making it difficult to tell whether there was LLRW material in the building waste. The complainant alleged DOE and EnergySolutions intentionally obfuscated data to cloak distinctions between LLRW and non-LLRW waste.

The complainant also reported that on some manifests different containers have identical radionuclide activities and waste weights, but in other manifests containers with identical radionuclide activities have different waste weights. The complainant claimed DOE did not conduct effective quality control of the shipping paperwork and the documentation does not clearly show DOE and EnergySolutions complied with NRC and State of Utah licenses.

On 16 Feb 2023, the Hotline requested additional information from the complainant, with no response to date.

**(Attachments?) No**

**IV. OTHER NOTES**

1. A review of investigative files revealed negative (no) results for RUTHERFORD, positive but unrelated results for ETEC and ENERGYSOLUTIONS, and related results for SANTA SUSANA FIELD LABORATORY:

(b)(6), (b)(7)(C)

20-0308-C: On 29 May 2020 the Hotline received EXEC-2020-002228 relaying a concern from (b)(6), (b)(7)(C) General Public, related to DOE clean up and remediation efforts at SSFL Area IV in California. The complainant alleges that the current clean up and remediation strategy for this site will result in the waste of an unknown amount of tax dollars.

Disposition: Closed (ZZ – Matter Previously Addressed; 19 Jun 2020)

20-0186-C: On 21 Feb 2020, the Hotline received a complaint from (b)(6), (b)(7)(C) a private citizen, who reported his concerns with ongoing cleanup efforts at the Santa Susana Field Laboratory (SSFL). (b)(6), (b)(7)(C) expressed concerns with regard to the cleanup efforts and encouraged the Department to publish a Record of Decision, to inform the public the next steps to complete the cleanup.

Disposition: Closed (ZZ – Matter Being Addressed by Appropriate Venue; 3 Mar 2020)

2. DOEInfo revealed the following:

NAME: (b)(6), (b)(7)(C)  
COMPLAINANT STATUS: Federal Employee  
PERSONNEL STATUS: Active DOE Employee  
PHONE NUMBER: (b)(6), (b)(7)(C)  
DUTY STATION: Washington, DC  
EMAIL ADDRESS: (b)(6), (b)(7)(C)@em.doe.gov  
JOB TITLE: (b)(6), (b)(7)(C)  
ORGANIZATION NAME: Project Management Division

3. The complainant provided several hyperlinks provided in the submission letter and are available below:

- a. ETEC Amendment signed 30 Oct 2020: [https://dtsc.ca.gov/wp-content/uploads/sites/31/SSFL/2020.10.30\\_Signed-ETEC-Amendment-to-Order.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/SSFL/2020.10.30_Signed-ETEC-Amendment-to-Order.pdf)
- b. EnergySolutions Radioactive Waste Profile Records: [https://philrutherford.com/SSFL/doe\\_building\\_demolition/FOIA/Data\\_Package/'ENERGY%20SOLUTIONS%20FORMS'%20of%20'00149%20RUTHERFORD'.pdf](https://philrutherford.com/SSFL/doe_building_demolition/FOIA/Data_Package/'ENERGY%20SOLUTIONS%20FORMS'%20of%20'00149%20RUTHERFORD'.pdf)
- c. NRC 540/541 Uniform Low-Level Radioactive Waste Manifests for 408 shipments: [https://philrutherford.com/SSFL/doe\\_building\\_demolition/FOIA/Data\\_Package/'NRC%20FORM%20540-541'%20of%20'00149%20RUTHERFORD'.pdf](https://philrutherford.com/SSFL/doe_building_demolition/FOIA/Data_Package/'NRC%20FORM%20540-541'%20of%20'00149%20RUTHERFORD'.pdf)

4. Open-source research revealed the following:

- a. Information on Phil Rutherford LLC is available at: <https://www.philrutherford.com/index.html>.
- b. Information on ETEC is available at: <https://www.etec.energy.gov/>.
- c. The original order signed 19 May 2020 by EM and the State of California Department of Toxic Substances Control is available at: <http://www.ssflareaiveis.com/CONSENT%20ORDER%20RMHF.pdf>.

(Attachments?) No

**V. COMPLAINT DISPOSITION**

**Recommended Action: Refer to CCC**

**Pre-CCC Disposition: Referral for Response to EM-1**

**CCC Disposition: Referral for Response to EM-1**

**Initial CCC Review Date: 2 Mar 2023**

**Final CCC Review Date: 3 Aug 2023**