



Department of Energy
Washington, DC 20585

March 26, 2024

VIA EMAIL

Phil Rutherford
8655 Delmonico Ave
West Hills, CA 91304
email@philrutherford.com

Re: Freedom of Information Act Request No. HQ-2024-01160-E.

Dear Mr. Rutherford:

This is a response from the Department of Energy (DOE), Office of Inspector General (OIG) to your request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. On February 8, 2024, your request sought the following:

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

The OIG has completed a search and review of its files and identified nine documents responsive to your request. A review of these documents and a determination concerning their release has been made pursuant to the FOIA. Based on this review, we determined that certain documents should be withheld pursuant to 5 U.S.C. § 552(b)(6) and 5 U.S.C. § 552(b)(7)(C) of the FOIA, referred to as Exemptions 6 and 7(C), respectively. Specifically, the OIG has determined:

- Documents 1 and 2 are being released to you with certain material withheld pursuant to Exemptions 6 and 7(C).
- Documents 3, 5 through 9 are not being processed back to you because the documents were either addressed to you, written by you, or have already been provided to you. These documents are identified in the enclosed listing. To request copies of these document, please contact OIG Paralegal at foiaoig@hq.doe.gov.
- Document 4 is being referred to Office of Environmental Management for a determination concerning its releasability. In addition, the OIG has redacted certain information from Document 5 pursuant to Exemptions 6 and 7(C). The Office of Environmental Management will respond to you directly concerning the document.

Exemption 6 protects from disclosure “personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . .” Exemption 7(C) provides that “records or information compiled for law enforcement purposes” may be withheld from disclosure, but only to the extent the production of such documents “could reasonably be expected to constitute an unwarranted invasion of personal privacy. . . .”

Names and information that would tend to disclose the identity of certain individuals have been withheld pursuant to Exemptions 6 and 7(C). Individuals involved in OIG enforcement matters, which in this case include subjects, witnesses, sources of information, and other individuals, are entitled to privacy protections so that they will be free from harassment, intimidation, and other personal intrusions. Your name and personal information would

typically be withheld under Exemption 6. We are releasing this information to you, pursuant to the Privacy Act, 5 U.S.C. § 552a; however, this information could be withheld if the document is requested by someone else under FOIA.

In invoking Exemptions 6 and 7(C), we have determined that it is not in the public interest to release the withheld material. We have determined that the public interest in the identity of individuals who appear in these files does not outweigh these individuals' privacy interests. Those interests include being free from intrusions into their professional and private lives.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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).

This decision may be appealed to the Office of Hearings and Appeals within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals must be in writing and should be addressed to the Director, Office of Hearings and Appeals, HG-1 /L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. You may also submit your appeal by email to OHA.filings@hq.doe.gov. The appeal must be clearly marked "Freedom of Information Appeal" on the envelope and letter, and if submitted by email, in the subject line of the email. *See* 10 C.F.R. § 1004.8(b).

Once your administrative remedies are exhausted, judicial review will be available to you in the United States District Court in the district in which you reside, or have your principal place of business, in the district in which the records are situated, or the District of Columbia. *See* 10 C.F.R. § 1004.8(d)(3).

If you have any questions about the processing of your request, you may contact our FOIA Public Liaison, Mr. Alexander Morris. He may be contacted to discuss any aspect of your request by phone at (202) 586-5955 or by email at Alexander.Morris@hq.doe.gov. Please know that you also have the right to seek dispute resolution services from the FOIA Public Liaison or the Office of Government Information Services, <https://ogis.archives.gov>; (202) 741-5770; (877) 684-6448 (toll free), by fax: (202) 741-5769, or by email ogis@nara.gov.

Sincerely,



Anthony Cruz
Assistant Inspector General
Office of Inspections, Intelligence Oversight
and Special Projects
Office of Inspector General

Enclosures

DOCUMENT INDEX HQ 2024-01160-F

1. Document 3 – Letter to US Department of Energy dtd February 10, 2023, Subject: Shipments of Waste from the former Energy Technology Engineering Center, from Phil Rutherford (3 pages).
2. Document 5 – Email to IGHOTLINE dtd February 10, 2023, Subject: Complaint – Shipment of Waste from the former Energy Technology Engineering Center (attachment), from Phil Rutherford (1 page).
3. Document 6 – Email chain between IGHOTLINE and Phil Rutherford dtd April 9 and 10, 2023, Subject: Irregularities in DOE’s Wast Shipments form ETEC to Energy Solutions (2 pages).
4. Document 7 – Email chain between IGHOTLINE and Phil Rutherford dtd August 2, 2023, Subject: DOE Waste Characterization at the Former Energy Technology Engineering Center (2 pages).
5. Document 8 – Email chain between IGHOTLINE and Phil Rutherford dtd February 7th through 12th, 2024, Subject: Complaint 23-0160-C (3 pages).
6. Document 9 – Email chain between IGHOTLINE and Phil Rutherford dtd June 6, 2023, Subject: RE: OIG File No. 23-0160-C (2 pages).