

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOVERNMENT ACCOUNTABILITY &
OVERSIGHT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
ENERGY,

Defendant.

Civil Action No. 24-1829 (RDM)
[Lead Case]

DECLARATION OF AMY R. SWEENEY

I, Amy R. Sweeney, hereby declare as follows:

1. My name is Amy R. Sweeney. I am employed by the United States Department of Energy (“DOE”) and my current job title is Director of the Office of Regulation, Analysis, and Engagement, within the Office of Resource Sustainability, which is part of DOE’s Office of Fossil Energy and Carbon Management (“FECM”), formerly the Office of Fossil Energy. My job is a career civil service position. I have served in this position since June 2019.

2. In my role, my responsibilities include oversight of three Divisions: the Division of Regulation, which carries out DOE’s regulatory program for imports and exports of natural gas, including liquefied natural gas (“LNG”), under the Natural Gas Act; the Engagement Division, which focuses on oil and gas engagement, particularly with foreign partners; and a Division focused on analysis. The Analysis division, a multidisciplinary team comprised of engineers, physical scientists, economists, and industry analysts, took the lead in updating the economic and environmental studies that inform DOE’s public interest analysis under Natural Gas Act Section 3(a), which in 2023 and 2024 included the assistance of the Pacific Northwest National Laboratory

(“PNNL”),¹ the National Energy Technology Laboratory (“NETL”),² and OnLocation (which is owned by KeyLogic), a consultancy with experience in running the National Energy Modeling System, the long-term energy model used by the U.S. Energy Information Administration.

3. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me and learned by me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

4. Due to the nature of my official duties and position, I am familiar with the 97 documents located in the second electronic search for, and initially deemed “potentially responsive” to, Freedom of Information Act (“FOIA”) Request No. HQ-2024-02097-F.

DOE’s LNG Export Program and Studies

5. DOE is responsible for authorizing exports of natural gas, including LNG, to foreign countries under Section 3 of the Natural Gas Act. As relevant here, Section 3(a) of the Natural Gas Act—which governs authorizations to export LNG to countries with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy—states that DOE “shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest.” To inform its public interest analysis, DOE relies, in part, on economic and environmental studies it periodically updates and releases.

6. Since the LNG export program began in approximately 2011, DOE has undertaken a total of five economic studies and three environmental studies to evaluate the potential impacts associated with exporting LNG to certain foreign countries. All these economic and environmental

¹ PNNL is managed and operated by Battelle for the Department of Energy.

² NETL is DOE’s only government-owned, government-operated laboratory.

studies went through a rigorous internal review and approval process before they were released for public comment.

7. DOE released and provided notice of each of these prior studies in the *Federal Register*, solicited public comment, and responded to the public comments. This associated public comment process has been a valuable part of DOE's decision making.

8. DOE routinely updates its LNG export studies. In 2023, there were materials being developed that were part of an ongoing process to update DOE's most current LNG export studies at the time. This included a multi-faceted modeling effort, with each component undergoing several rounds of rigorous review. In the nearly two years leading up to the issuance of the final 2024 study, DOE, NETL, PNNL, and contractors with OnLocation met routinely, both in person and over the phone, and exchanged many emails. DOE, NETL, PNNL, and several contractors participated in frank, open discussions during this period, and multiple options for the LNG export studies were considered and reconsidered, with many ideas and suggestions being rejected throughout this process.

9. DOE's LNG export studies are subject to revision up until the point they receive final approval. The materials prepared in 2023 never received final approval within DOE and were thus never released.

10. In December 2024, DOE approved and released its most recent and comprehensive LNG export study ("2024 LNG Export Study").³ The 2024 LNG Export Study was published in

³ Dep't of Energy, 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports, [Docket Index | Natural Gas Regulation | Office of Fossil Energy and Carbon Management | Department of Energy](#). See also Dep't of Energy, U.S. Department of Energy Completes LNG Study Update, Announces 60-Day Comment Period (December 17, 2024), <https://www.energy.gov/articles/us-department-energy-completes-lng-study-update-announces-60-day-comment-period>.

the *Federal Register* on December 20, 2024, and the 60-day public comment period ends on February 18, 2025. 89 FR 104132. Any LNG export study drafts created in 2023 were precursors to the 2024 LNG Export Study.

FOIA Request HQ-2024-02097-F

11. On June 7, 2024, Plaintiff Government Accountability & Oversight submitted the following FOIA Request (HQ-2024-02097-F) and requested:

copies of 1) any [liquefied natural gas (“LNG”)] export study transmitted by the National Energy Technology Lab to the Office of Fossil Energy between January 1, 2023 and October 31, 2023, and 2) the email(s) transmitting the document(s) from NETL to, inter alia, [Office of Fossil Energy].

ECF No. 12-2 (FOIA Request No. HQ-2024-02097-F). In the request, Plaintiff also stated:

To assist your search, on information and belief we suggest that recipients of the NETL email(s) transmitting the document to [the Office of Fossil Energy] likely include Amy Sweeney and/or Ryan Peay. If there is no record on the Department’s backend logs/system that Ms. Sweeney or Mr. Peay were recipients of the described records, DoE’s [Office of Fossil Energy] and/or NETL personnel are the experts on the custodianship of responsive records. We suggest the former include [the Office of Fossil Energy]’s Brad Crabtree, but also Deputy Secretary David Turk and Undersecretary David Crane; the latter likely but not certainly include James Littlefield, Gregory Cooney, and/or Timothy Skone.

Id.

12. On September 13, 2024, DOE informed the Court that, after a second search and initial review, 97 documents were tagged as being potentially responsive, for 4,354 pages. ECF No. 13. After additional review, DOE determined that none of these documents were responsive to Plaintiff’s FOIA request.

13. On October 18, 2024, DOE issued a final response letter to Plaintiff informing Plaintiff that DOE had completed its search but did not locate any documents responsive to the request based on DOE’s understanding that FOIA Request No. HQ-2024-02097-F sought a final LNG export study like DOE’s past LNG export studies that are periodically produced and released by DOE. ECF No. 22-4 (Final Response Letter, HQ-2024-02097-F).

14. I was asked, in consultation with DOE’s Office of Public Information and DOE’s Office of the General Counsel, to determine the responsiveness of the 97 documents⁴ initially tagged as “potentially responsive” to Plaintiff’s FOIA request, in the event Plaintiff’s FOIA request was construed as seeking drafts of an LNG export study. I was also asked to determine whether any FOIA exemptions were applicable to the 97 documents in the event the Court disagreed with DOE’s understanding of Plaintiff’s FOIA request as reflected in the final response letter dated October 18, 2024.

Non-Responsive Documents to HQ-2024-02097-F

15. Even if Plaintiff’s FOIA request were construed as seeking drafts of an LNG export study transmitted from NETL to DOE, eighty-two documents are not responsive to FOIA Request No. HQ-2024-02097-F (“non-responsive documents”). These records are non-responsive because they are: (1) emails *from* DOE to NETL and others, (2) emails sending attachments other than a draft study, such as briefing slides, field work proposals, and data, or (3) emails with no documents attached.

16. Thirty-three of the eighty-two non-responsive documents are nonresponsive because they are emails *from* DOE to others such as NETL, PNNL, and DOE and NETL contractors. Plaintiff’s FOIA request sought any LNG export study “*transmitted by* [NETL] to” DOE. Since these emails were not “emails from NETL,” on their face they are not responsive to Plaintiff’s request. Therefore, any emails *from* DOE *to* NETL and others, whether a draft LNG

⁴ The document label “Document 85” was mistakenly used twice when numbering the potentially responsive documents for FOIA Request No. HQ-2024-02097-F. *See* Morris Declaration at ¶ 20. The “Document 85” documents were re-labeled as “Document 85.1” and “Document 85.2.” *Id.* As such, there are a total of 98 documents; however, this declaration continues to use “97-document set” or “97 documents” for ease and consistency.

export study was attached or not, are non-responsive, even if Plaintiff's FOIA request were construed as seeking drafts of an LNG export study.

17. Twenty-eight of the eighty-two nonresponsive documents are nonresponsive because the emails are not transmitting an LNG export study, whether draft or final. The emails include attachments such as draft outlines, schedules, meeting agendas, briefing slides, raw data, and work proposals. None of the briefing slides contain any portions of an LNG export study (draft or final).

18. Twenty-one of the eighty-two non-responsive documents are nonresponsive because the emails do not include any attached documents. The emails primarily discuss setting up various meetings and include virtual meeting invitations. None of these emails "transmit[]" the documents from NETL to, inter alia, [Office of Fossil Energy]." *See* Pl.'s Request. In other words, these twenty-one emails do not transmit any portions of an LNG export study (draft or final).

Exemptions Applicable to the Draft Studies

19. Notwithstanding the plain language of the request, if the Court were to construe Plaintiff's FOIA request as seeking drafts of an LNG export study transmitted from NETL to DOE, all the draft LNG export studies, and portions of the draft studies, included as attachments to Documents 14, 16, 23, 26, 31, 34, 55, 56, 59,⁵ 61, 63, 65, 78, 81, 87, 89, and 94, would need to be withheld in full under Exemption 5.

⁵ If Plaintiff's FOIA request was construed as seeking a draft study, Document 59 includes both responsive and non-responsive records. Document 59 is an email with a draft study attached, but the email also has briefing slides attached, which are non-responsive because Plaintiff sought "any [LNG] export study" and "email(s) transmitting the document(s)." Plaintiff did not seek briefing slides.

20. Exemption 5 incorporates the deliberative-process privilege, which protects information that is both pre-decisional and deliberative, including recommendations, advice, and opinions that are part of the process by which agency decisions and policies are formulated.

21. The attachments that would need to be withheld include draft LNG export studies and portions of draft LNG export studies. The attachments are pre-decisional because they were precursor drafts to DOE's final LNG export study released on December 17, 2024. The withheld material amounted to pre-decisional communications between contractors and career level DOE staff without final decision-making authority. Those communications were made for the purpose of determining the potential scope and approach for assessing the impacts of LNG exports that would ultimately form an analysis to inform the agency's ultimate determination as to whether further authorizations for the export of LNG to non-free-trade-agreement countries is consistent with the "public interest," which is a policy judgment required by the Natural Gas Act.

22. Attachments in Documents 14, 16, 23, 26, 31, 34, 59, 61, 63, 65, 78, 81, and 87 include many comments or redline edits from various reviewers. The attachment in Document 55 is a draft study that includes minimal comments but also includes a separate page with a list of compiled comments from various reviewers regarding the draft study. Attachments in Documents 63 and 78 also include a list of compiled comments regarding the study in addition to many comments in the draft study. These documents are deliberative because the documents include edits, recommendations, advice, and opinions from contractors and staff-level employees at DOE, NETL and PNNL. Multiple comments and suggestions were exchanged, often by several people on the same document, and sometimes those comments and suggestions conflicted. The documents were revised and recirculated many times.

23. The withheld attachments in Documents 56, 89, and 94 include draft LNG export studies without visible comments or edits in track changes, but these drafts are still precursors to the 2024 LNG Export Study. They are both pre-decisional and deliberative. These “clean versions” were sent to DOE, from NETL or its contractors, for DOE review and additional feedback from staff level employees. DOE subsequently returned the drafts with substantial edits. The latest-in-time draft study in the relevant timeframe to Plaintiff’s FOIA request—attachment in Document 81, sent on October 27, 2023—includes extensive comments and edits responding to DOE’s latest markup.

24. Many pre-decisional drafts of the LNG study, portions of the study, as well as briefing and options slides were circulated between career staff employees within DOE, staff employees at its National Laboratories, and DOE and NETL contractors. These draft studies are an essential part of DOE’s deliberative process in that individuals drafting and reviewing the documents make recommendations, evaluate and make choices on methodologies, debate scientific matters, or express opinions on policy issues related to the impacts of LNG exports. They include candid, internal discussions relating to various options deliberated among contractors and National Laboratory staff. The drafts are sent from NETL staff personnel to DOE staff-level personnel for DOE review. They include recommendations from career agency staff-level employees within FECM, the Office of the General Counsel, NETL, and PNNL. I was the most-senior reviewer copied on the transmittal emails in the documents noted in Paragraph 19. I was not the final decision-maker or approver of the 2024 LNG Export Study, nor did I have that authority with respect to the 2023 work on the draft studies.

25. DOE’s Office of Public Information engaged in a line-by-line review of all seventeen draft studies and compared those draft studies to the final 2024 LNG Export Study. I

have reviewed the limited material that is consistent between the drafts and the 2024 LNG Export Study. The draft study with the most overlapping sentences is the latest draft in the timeframe relevant to Request No. HQ-2024-02097-F; and of that 46,110-word draft study, approximately 466 words overlap the 215,215-word final 2024 LNG Export Study. *See* Morris Declaration at ¶ 24. The sentences or portions of sentences that are consistent between the draft studies and the 2024 LNG Export Study are not logically grouped and are interspersed throughout the background sections of the documents where DOE's obligations under the Natural Gas Act are discussed. It would impose significant burden and costs on DOE to redact all but these few sentences or portions of sentences in the over 100-page draft studies. If the agency were to redact all but these sentences and fragments, the result would be an edited document that would be meaningless because it would retain no informational value.

26. The draft studies or portions of the draft studies included as attachments in the documents listed in Paragraph 19 do not contain sections that are segregable. To the extent that any factual or non-privileged material is being withheld, it is, in my judgment, so intertwined with privileged information that the factual information cannot be released without releasing privileged information or revealing the preliminary policy judgments contained in the drafts, which Exemption 5 aims to protect. Revealing the factual information contained in the analyses in the draft would reveal a preliminary view about the potential conclusions of the draft analysis of LNG exports that the agency ultimately did not settle on and would stifle candid debate in the development of future studies in addition to undermining DOE's regulatory proceedings that rely, in part, on the final study and which are regularly challenged by opponents of LNG exports.

27. The drafts are not simple compilations of data but are a preliminary narrative analysis regarding the subject matter or related subject matter of the study that was ultimately

issued and, once finalized and published for public comment, help guide DOE's policy judgments that go into the public interest analysis required for approval of certain LNG exports. Even the parts of the drafts which do not directly include edits or comments could be used to shed light on developing considerations and discussions by DOE, its National Laboratories, or its contractors at the time these documents were drafted. The preliminary conclusions and inputs discussed in the drafts reflect the still developing thinking of DOE and its contractors at the time of the drafts. DOE and its contractors' thinking, and thus the contents and scope of the study, significantly changed by the end of the almost two-year-long process. The discussion of factual material in the drafts is generally intertwined with the analysis such that it is not possible to reveal any factual material without revealing DOE's and its contractors' preliminary analysis and assumptions. Because these documents represent early drafts circulated in 2023 for internal review and comment, the analysis and factual matters presented are not final and will contain inaccuracies or outdated information so as to make their release, even if segregated, confusing to the public. There is no way to release the draft studies without undermining the deliberative process between DOE staff and DOE's National Laboratories.

28. DOE would be foreseeably harmed if these drafts were released. If the candid views of staff contained in draft studies were disclosed, the quality of future internal deliberations on LNG export studies would suffer. The working drafts of the LNG export studies contain comments from staff-level personnel on matters related to complex analyses integral to the study of the economic and environmental impacts of LNG exports. In my opinion, DOE, NETL, PNNL, and contractor personnel would stop providing their frank and forthright opinions and recommendations on these draft documents based on fears that candid recommendations would be broadcast outside the executive branch and misunderstood outside of context. I believe that the

disclosure of this material would significantly and adversely impair the integrity and quality of the decision making and drafting process for future LNG export studies.

29. Additionally, release of these documents would create public confusion because these draft studies were never finalized, let alone adopted and released by DOE. The analysis and factual matters presented are not final and contain inaccuracies or outdated information. The draft studies significantly differ from the 2024 LNG Export Study released on December 17, 2024.

Exemptions Applicable to the Transmittal Emails

30. If the Court were to construe Plaintiff's FOIA request as seeking drafts of an LNG export study, ten out of the seventeen "responsive"⁶ documents, i.e., the transmittal emails in Documents 14, 16, 26, 31, 34, 56, 81, 87, 89, and 94, would be withheld in part under FOIA Exemption 5 and FOIA Exemption 6. The transmittal emails in Documents 23, 55, 59, 61, 63, 65, and 78 would be released in full.

31. FOIA Exemption 5 Deliberative-Process Privilege: Exemption 5 incorporates the deliberative-process privilege, which protects information that is both pre-decisional and deliberative, including recommendations, advice, and opinions that are part of the process by which agency decisions and policies are formulated. Ten out of the seventeen transmittal emails would be withheld in part under Exemption 5.

32. The information that would be withheld under Exemption 5 for the transmittal email in Documents 14 and 26 is identical and consists of the sender's opinion regarding the state of the attached section of a draft study, a substantive discussion regarding a method and data

⁶ DOE maintains that the 97 documents are not responsive to Plaintiff's FOIA request because Plaintiff was not seeking draft LNG export studies. DOE uses the term "responsive" in this section for ease of reference and does not concede that these 97 documents are in fact responsive to the request.

currently used in the section of the draft study, how this version and a prior version of the section of the draft study differ, information still missing from the section of the draft study, future additions being considered, what the reviewing team should focus on when reviewing the attachment, and next steps in the review process. The withheld materials are in an email from a NETL contractor to staff-level NETL and DOE employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or action; the latest email in this chain was sent in August 2023—almost 16 months before the LNG export study was finalized and released in December 2024. The release of this information would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the contents of LNG export studies. The release of this information would prevent DOE from getting effective opinions and insights from staff if they were too worried such information would be publicly revealed at early stages in the process. Revealing pre-decisional deliberations regarding the potential contents of the study that were never shared would also cause foreseeable harm in the form of public confusion by disclosing drafts and communications that contained obsolete data and analysis and that did not ultimately form part of the agency's final study.

33. The information that would be withheld under Exemption 5 for the transmittal email in Document 16 consists of discussions about content for what was being contemplated for a chapter in the draft LNG export study, substantive discussions about the nature of certain modeling results and how those results compare to and align with other results, and the status of other models' results. The withheld materials are in an email from a NETL contractor to staff-level DOE and NETL employees. The withheld materials are pre-decisional and deliberative and do not represent a final agency determination or action; the latest-in-time email in this chain was sent in

August 2023—almost 16 months before the LNG export study was finalized and released in December 2024. The release of this information would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the models and data that go into DOE's LNG export studies. The release of this information would prevent DOE from getting effective, candid opinions from staff if they were concerned such information would be publicly revealed. Revealing pre-decisional deliberations regarding the potential contents of the study that were never shared would also cause foreseeable harm in the form of public confusion by disclosing communications that contain obsolete data and analysis and that did not ultimately form part of the agency's final study.

34. The information that would be withheld under Exemption 5 for the transmittal email in Document 31 consists of a substantive comment from a staff-level DOE reviewer about a section of the draft study, a question regarding said comment for further consideration by the group, and a statement from the staff-level DOE reviewer regarding the relevance of certain comments to another section of the draft study. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or final agency action; this email was sent in early August 2023—over 16 months before the LNG export study was released in December 2024. The release of this information would foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed. Revealing pre-decisional deliberations regarding working drafts and considerations for portions of the studies that were never shared would also cause foreseeable harm in the form of public confusion by disclosing deliberations that did not ultimately become part of the agency's final study.

35. The information that would be withheld under Exemption 5 for the transmittal email in Document 34 consists of a statement regarding the contents of the attached version of the draft study, a statement identifying the portions of the latest draft study on which the sender's edits focused, a substantive statement regarding work that had not yet been incorporated into the draft study, and the sender's opinion/understanding of the status of the draft study and next steps. The withheld materials are in an email from a NETL contractor to staff-level DOE and NETL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or action; this email was sent in October 2023—14 months before the LNG export study was released in December 2024. Revealing pre-decisional deliberations regarding the areas for further review would reveal the areas, in the sender's opinion, that required additional edits or work. The release of this information would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the content of DOE's LNG export studies. Additionally, revealing discussions regarding the content of the studies that were never shared would also cause foreseeable harm in the form of public confusion by disclosing content and communications that did not ultimately become part of the agency's final study. Finally, the release of the sender's opinion/understanding of the status of the draft study would foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed. Revealing the sender's perception of the working group's goals surrounding the study would also cause public confusion because, in this draft stage, the working group's goals were continually changing and shifting.

36. The information that would be withheld under Exemption 5 for the transmittal email in Document 56 consists of the sender's opinion/understanding of the status of the draft

study. The withheld materials are in an email from a DOE/NETL contractor to staff-level DOE, NETL, and PNNL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or action; the latest email in this chain was sent in September 2023—over 15 months before the LNG export study was released in December 2024. The release of the sender’s opinion would foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed.

37. The information that would be withheld under Exemption 5 for the transmittal email in Document 81 consists of a statement regarding a substantive addition to the draft study, and substantive discussion topics for an upcoming meeting. The withheld materials are in an email from a DOE/NETL contractor to staff-level DOE, NETL, and PNNL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or agency action; this email was sent in October 2023—over 13 months before the LNG export study was released in December 2024. Revealing the substantive additions to this draft study would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the content of DOE’s LNG export studies. Revealing pre-decisional deliberations regarding the areas for further discussion could reveal the areas, in the senders’ opinion, that required additional edits or work. The release of this information would foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed.

38. The information that would be withheld under Exemption 5 for the transmittal email in Document 87 consists of a statement regarding an internal group goal for the study. The withheld materials are in an email from a staff-level NETL employee to staff-level DOE and

NETL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or agency action; this email was sent in August 2023—over 15 months before the LNG export study was released in December 2024. These goals were dynamic and often shifted as a result of setbacks or changes of course. Revealing the group’s internal goals would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the process for drafting the study. The release of this information would also foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were worried thinking such information would be publicly revealed.

39. The information that would be withheld under Exemption 5 for the transmittal email in Document 89 consists of a substantive statement regarding the content of the draft study, and a statement regarding, in the sender’s view, the next steps relating to the draft study. The withheld materials are in an email from a DOE/NETL contractor to staff-level DOE and PNNL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or agency action; this email was sent in August 2023—over 15 months before the LNG export study was released in December 2024. Revealing statements regarding the content of the draft study would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the content of future LNG export studies. The release of the sender’s opinion regarding next steps would also foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed.

40. The information that would be withheld under Exemption 5 for the transmittal email in Document 94 consists of a statement regarding substantive edits that were made to the

draft study, statements reflecting the sender's opinion of the state of the attached draft report, recommended substantive edits to the draft study, and recommended future steps. The withheld materials are in an email from a DOE/NETL contractor to staff-level DOE, NETL, and PNNL employees. The withheld materials are pre-decisional and deliberative and do not represent a final DOE determination or agency action; the most recent email in the chain was sent in September 2023—over 15 months before the LNG export study was released in December 2024. Revealing statements regarding prior and recommended edits to the study and prior and future next steps would foreseeably harm DOE because it would have a chilling effect on the ability of DOE staff to have open and frank discussions about the drafting of future LNG export studies. The release of this information would also foreseeably harm DOE because it would prevent DOE from getting effective candid opinions from staff if they were concerned such information would be publicly revealed.

41. The harm and chilling effect that would result from revealing any of the information described above is also amplified by the administrative and court challenges regarding DOE's January 26, 2024, announcement that it would be temporarily pausing certain LNG export decisions until the LNG export study had been finalized and the considerable media attention and public scrutiny of DOE's effort to update the LNG export study.

42. My office engaged in a line-by-line review of the records that would be withheld in part. The information that would be redacted and withheld pursuant to Exemption 5 under the deliberative-process privilege has been reviewed to ensure that publicly available documents and all reasonably segregable information in the documents would be released to Plaintiff. Information contained in the portions of the documents that would be withheld was determined to be

inextricably intertwined with the privileged information and could not be reasonably segregated to be released under the FOIA from the deliberative material.

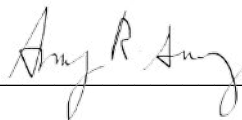
43. FOIA Exemption 6 Personal Privacy: Exemption 6 protects from disclosure personnel and medical files, and other similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Six of the seventeen documents would be withheld in part under Exemption 6.

44. The information that would be withheld under Exemption 6 for Documents 14, 16, 56, 81, 89, and 94 consists of individuals' mobile telephone numbers. The information would not significantly contribute to the public's understanding of the activities of the federal government and, if revealed, the information released would invade these individuals' privacy and the impact on those individuals' privacy would outweigh any public benefit derived from the release of such information.

45. My office engaged in a line-by-line review of the record to determine which information would be withheld in part. The information that would be redacted and withheld pursuant to Exemption 6 has been reviewed to ensure that all reasonably segregable information in the documents would be released from the documents to Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd the day of January 2025, Washington, D.C.

A handwritten signature in cursive script, appearing to read "Amy R. Sweeney", is written over a horizontal line.

Amy R. Sweeney