



**Department of Energy**  
Washington, DC 20585

April 30, 2025

Joe Thomas  
Government Accountability & Oversight  
30 N. Gould Street, #12848  
Sheridan, WY 82801

Via email: [joe@govoversight.org](mailto:joe@govoversight.org)

Re: HQ-2025-00716-F

Dear Mr. Thomas:

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

copies of all records compiled by DoE which it located, identified, compiled, or otherwise described in the status report described in a September 13, 2024 Status Report to the court in Government Accountability & Oversight v. Department of Energy, 1:24-cv-1829 (ECF No. 13)(attached as part of this request), as:

The second search on HQ-2024-02097-F was completed in August 2024. DOE has subsequently identified 97 potentially responsive documents, totaling 4,354 pages.

Your request was assigned to DOE's Office of Public Information (MA-46) to conduct a search of its files for records responsive to your request. MA-46 started its search on November 13, 2024, which is the cut-off date for responsive records.

On January 30, 2025, DOE provided you a first partial response with eleven (11) documents. On February 27, 2025, DOE provided you a second partial response with five (5) documents responsive to your request. On March 31, 2025, DOE provided you a third partial response with four (4) documents responsive to your request.

These records require several layers of review. At this time, DOE has identified five (5) documents responsive to your request. These documents are being released to you as described in the accompanying index. DOE will continue to make rolling productions of additional records as it completes its processing of the records.



Upon review, DOE has determined that certain information should be withheld from the documents pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. §§ 552 (b)(5) and (b)(6).

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency...”. 5 U.S.C. § 552 (b)(5). Exemption 5 has been construed to exempt those documents normally privileged in the civil discovery context, such as attorney-client communications, attorney-work product documents, and deliberative process material. The information withheld under Exemption 5 consists of confidential, attorney-client communications.

The release of information exchanged between attorneys and clients would result in less open discussions between them, and attorneys would not be able to adequately advise and represent their clients. Sound legal advice and advocacy serves the public interest, and such advice and advocacy depend upon attorneys being fully informed by their clients and being able to communicate with them. Such disclosure would have a chilling effect on the willingness of attorneys to make honest and open evaluations and recommendations in the future. For these reasons, discretionary disclosure of the information withheld under the attorney-client privilege is not being made. Disclosure would be harmful to the integrity of governmental legal decision making, and it could stifle future communications between clients and attorneys.

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 mobile phone numbers. This information qualifies as “similar files” because it is information in which an individual has a privacy interest. Moreover, releasing the information could subject the individuals to unwarranted or unsolicited communications. 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.

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(c)(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).

You may contact DOE’s FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at FOIA-Central@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.

If you have any questions about the processing of the request or this letter, you may contact Susan Plant at susan.plant@hq.doe.gov or me at:

MA-46/Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585  
FOIA-Central@hq.doe.gov

I appreciate the opportunity to assist you with this matter.

Sincerely,

ALEXANDER  
R MORRIS

Digitally signed by  
ALEXANDER MORRIS  
Date: 2025.04.30  
11:09:38 -04'00'

Alexander C. Morris  
FOIA Officer  
Office of Public Information

*Enclosures*

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**Request #: HQ-2025-00716-F**

**Fourth partial response to Mr. Joe Thomas:**

**copies of all records compiled by DoE which it located, identified, compiled, or otherwise described in the status report described in a September 13, 2024 Status Report to the court in Government Accountability & Oversight v. Department of Energy, 1:24-cv-1829 (ECF No. 13)(attached as part of this request), as:**

**The second search on HQ-2024-02097-F was completed in August 2024. DOE has subsequently identified 97 potentially responsive documents, totaling 4,354 pages.**

At this time, DOE's Office of Public Information (MA-46) has identified five (5) documents equaling five hundred and twenty-four (524) pages responsive to your request.

- Two (2) documents are being released *in their entirety*.
- Two (2) documents are *being withheld in part pursuant to Exemption (b)(6)*.
- One (1) document is *being withheld in part pursuant to Exemptions (b)(5) and (b)(6)*.