



## Department of Energy

Washington, DC 20585

September 17, 2020

Austin R. Evers  
American Oversight  
1030 15th Street, N.W.  
Suite B255  
Washington, D.C. 20005

Via email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: HQ-2020-00499-F

Dear Mr. Evers:

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

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and attachments thereto) with Senator Ron Johnson or any staffer or representative of Senator Johnson, including, but not limited to, all communications with any email address ending in [@ronjohnson.senate.gov](mailto:@ronjohnson.senate.gov).
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and attachments thereto) with Senator Rob Portman or any staffer or representative of Senator Portman, including, but not limited to, all communications with any email address ending in [@portman.senate.gov](mailto:@portman.senate.gov).

American Oversight requests that DOE search, at a minimum, the files of the following agency custodians:

- i.  
Former Secretary Rick Perry
- ii.  
Then-Deputy Secretary Dan Brouillette
- iii.  
Former Chief of Staff Brian McCormack
- iv.  
Anyone serving as Special Assistant for the Secretary, including Hunter Faseler
- v.  
Under Secretary Mark Menezes
- vi.



Assistant Secretary for International Affairs Ted Garrish

vii.

Special Adviser Samuel Buchan

viii.

General Counsel William Cooper

ix.

Senior Advisor, Office of Russian and Eurasian Affairs, Paul Tumminia

x.

Director of Public Affairs Dirk Vande Beek

xi.

Deputy Press Secretary Jessica Szymanski

xii.

Anyone serving in the capacity of White House Advisor or Liaison

xiii.

Anyone serving in the capacity of Director of Legislative Affairs

Please produce all responsive records from January 1, 2019, through May 31, 2019.

Your request was assigned to DOE's Office of the Executive Secretariat (ES), Office of Management (MA), Office of International Affairs (IA), Office of General Counsel (GC), Office of Public Affairs (PA), and Office of Congressional and Intergovernmental Affairs (CI) to conduct a search of their files for responsive documents. DOE started its search on August 14, 2020, which is the cut-off date for responsive documents. DOE has completed its search and identified twelve (12) documents responsive to your request. The documents are being provided to you as described in the accompanying index.

DOE has determined that four (4) documents contain equities of the Department of State (DOS). For this reason, Documents 9 through 12 are being transferred to DOS for review and direct response to you.

If you have any questions about the documents transferred to DOS, please contact Eric Stein, U.S. Department of State, Office of Information Programs and Services, 2201 C Street, N.W., Suite 12A-40A Washington, D.C. 20520 or the DOS FOIA Requester Service Center (FRSC) via telephone at: (202) 261-8484.

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

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 personal cell phone numbers, teleconference numbers, and access codes. 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(b)(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(b)(3).

This decision, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase “Freedom of Information Appeal” in the subject line (this is the preferred method by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE’s records are situated, or (4) in the District of Columbia.

You may contact DOE’s FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, 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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our February 20, 2020, letter you were informed that your request was placed in the “other” category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. In that letter, you were also informed that your request for a fee waiver had been granted. Thus, no fees will be charged for processing your request.

If you have any questions about this letter, you may contact me or Mr. Lars Hydle of my office at:

MA-46/Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585  
(202) 287-6730

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C.  
Morris

Digitally signed by  
Alexander C. Morris  
Date: 2020.09.17  
10:01:12 -04'00'

Alexander C. Morris  
FOIA Officer  
Office of Public Information

Enclosures

## INDEX

Request #: HQ-2020-00499-F

Final response to request from Mr. Austin Evers for:

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- vii.  
Special Adviser Samuel Buchan
- viii.  
General Counsel William Cooper
- ix.  
Senior Advisor, Office of Russian and Eurasian Affairs, Paul Tumminia
- x.  
Director of Public Affairs Dirk Vande Beek
- xi.  
Deputy Press Secretary Jessica Szymanski
- xii.  
Anyone serving in the capacity of White House Advisor or Liaison
- xiii.  
Anyone serving in the capacity of Director of Legislative Affairs

**Please produce all responsive records from January 1, 2019, through May 31, 2019.**

DOE conducted a search of its files and identified twelve (12) documents responsive to your request.

- Eight (8) documents *are being released in part pursuant to Exemption 6.*
- Four (4) documents are being transferred to Department of State for a review and release determination.

**Hydle, Lars (CONTR)**

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**Subject:** Tag-Up re. Picketon Event  
**Location:** Call: (b) (6) - Attendee Access Code is: (b) (6)

**Start:** Thu 1/3/2019 5:00 PM  
**End:** Thu 1/3/2019 5:30 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** NE1Schedule

**Hydle, Lars (CONTR)**

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**From:** Hynes, Shaylyn  
**Sent:** Monday, January 07, 2019 10:18 AM  
**To:** Kalmbach, Emmalee (Portman)  
**Cc:** Szymanski, Jessica  
**Subject:** RE: Draft release

This is good to go on our end!

---

**From:** Kalmbach, Emmalee (Portman) [mailto:Emmalee\_Kalmbach@portman.senate.gov]  
**Sent:** Monday, January 07, 2019 9:23 AM  
**To:** Hynes, Shaylyn <Shaylyn.Hynes@hq.doe.gov>  
**Subject:** [EXTERNAL] Draft release

Here's our latest draft. Thanks for overlooking some of the formatting. I can send around a final formatted version once approved. Thanks!

**FOR IMMEDIATE RELEASE:** Monday, January 7, 2019

**MEDIA CONTACT:** Emmalee Kalmbach | (b) (6)

<https://bit.ly/2R8Ej49>

**In Piketon, Portman Announces U.S. Department of Energy's Intent to Invest in a Domestic Enrichment Project in Piketon**

**PIKETON, OH** – Today, U.S. Senator Rob Portman (R-OH) announced U.S. Department of Energy's intent to invest \$115 million over the next three years to produce a cascade of 16 centrifuges at the former American Centrifuge Project in Piketon to demonstrate the production of high assay low enriched uranium (HALEU). HALEU is the fuel source for advanced nuclear reactors, technology that can be used to improve our nation's energy security. A domestic source of enriched uranium is also needed for national security purposes.

*"Today is another milestone in the effort to get Piketon back up and running doing the work that is so important to our country," said Portman. "Though, there will be a consideration period before this decision is final, I'm encouraged by today's announcement. Getting Piketon back to its full potential benefits the skilled workforce here, the surrounding local economy, and strengthens national energy and defense security. I want to thank the Department of Energy and the Trump administration for reconsidering the Obama administration's decision to end the domestic uranium enrichment demonstration program. I will continue to work with my colleagues and the administration to ensure this site gets cleaned up and ready for redevelopment."*

Under [questioning from Portman](#) last year, Secretary Perry – who [toured the site with Portman in 2017](#) – committed to ~~stated that he is~~ re-evaluating the Obama administration's decision to end the domestic uranium enrichment demonstration program because having domestic enrichment capabilities would provide stability and security to our country. The demonstration program – known as the American Centrifuge Plant – operated at Piketon until it was disbanded by the Obama administration in what year?.

Senator Portman has also been a leader in the decontamination and decommissioning efforts at the former gaseous diffusion plant at the Piketon site. He has consistently worked to [secure funding](#) needed to maintain current employment levels to cleanup at the site. In [March](#), Portman announced a \$30 million increase in appropriations in the final FY 2018 appropriations bill. In February 2018, Portman visited the plant and met with key stakeholders — including Rep. Brad Wenstrup (R-OH), the U.S. Department of Energy, the Ohio Environmental Protection Agency, the Southern Ohio Diversification Initiative, the Site Specific Advisory Board, and local and state elected officials — to discuss the future of cleanup activities at the Portsmouth Gaseous Diffusion Plant. During the meeting, Senator Portman announced that he had [secured a commitment](#) from DOE to clean up the existing landfills and plumes at the plant.

**Photos from the event are below:**

Sent from my iPhone

\*\*\*\*\*

This message does not originate from a known Department of Energy email system. Use caution if this message contains attachments, links or requests for information.

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**From:** [Kalmbach, Emmalee \(Portman\)](#)  
**To:** [Hynes, Shaylyn](#)  
**Cc:** [Szymanski, Jessica](#)  
**Subject:** [EXTERNAL] Re: Draft release  
**Date:** Monday, January 07, 2019 11:21:26 AM

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Great. Got a couple edits from Andrew and will be sending shortly.

Sent from my iPhone

On Jan 7, 2019, at 10:18 AM, Hynes, Shaylyn <[Shaylyn.Hynes@hq.doe.gov](mailto:Shaylyn.Hynes@hq.doe.gov)> wrote:

This is good to go on our end!

---

**From:** Kalmbach, Emmalee (Portman)  
[\[mailto:Emmalee\\_Kalmbach@portman.senate.gov\]](mailto:Emmalee_Kalmbach@portman.senate.gov)  
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*"Today is another milestone in the effort to get Piketon back up and running doing the work that is so important to our country," said Portman. "Though, there will be a consideration period before this decision is final, I'm encouraged by today's announcement. Getting Piketon back to its full potential benefits the skilled workforce here, the surrounding local economy, and strengthens national energy and defense security. I want to thank the Department of Energy and the*

*Trump administration for reconsidering the Obama administration's decision to end the domestic uranium enrichment demonstration program. I will continue to work with my colleagues and the administration to ensure this site gets cleaned up and ready for redevelopment."*

Under [questioning from Portman](#) last year, Secretary Perry – who [toured the site with Portman in 2017](#) – committed to ~~stated that~~ ~~he is~~ re-evaluating the Obama administration's decision to end the domestic uranium enrichment demonstration program because having domestic enrichment capabilities would provide stability and security to our country. The demonstration program – known as the American Centrifuge Plant – operated at Piketon until it was disbanded by the Obama administration in what year?.

Senator Portman has also been a leader in the decontamination and decommissioning efforts at the former gaseous diffusion plant at the Piketon site. He has consistently worked to [secure funding](#) needed to maintain current employment levels to cleanup at the site. In [March](#), Portman announced a \$30 million increase in appropriations in the final FY 2018 appropriations bill. In February 2018, Portman visited the plant and met with key stakeholders — including Rep. Brad Wenstrup (R-OH), the U.S. Department of Energy, the Ohio Environmental Protection Agency, the Southern Ohio Diversification Initiative, the Site Specific Advisory Board, and local and state elected officials — to discuss the future of cleanup activities at the Portsmouth Gaseous Diffusion Plant. During the meeting, Senator Portman announced that he had [secured a commitment](#) from DOE to clean up the existing landfills and plumes at the plant.

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**To:** [Hynes, Shaylyn](#)  
**Cc:** [Szymanski, Jessica](#)  
**Subject:** [EXTERNAL] Re: Draft release  
**Date:** Monday, January 07, 2019 11:47:39 AM  
**Attachments:** [mg\\_info.txt](#)

Final w/o pics.



**FOR IMMEDIATE RELEASE:** Monday, January 7, 2019

**MEDIA CONTACT:** Emmalee Kalmbach | (b) (6)

<https://bit.ly/2R8Ej49>

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*“Today is another milestone in the effort to get Piketon back up and running doing the work that is so important to our country,” said Portman. “While there will be a consideration period before this decision is final, I’m encouraged by today’s announcement. Getting Piketon back to its full potential benefits the skilled workforce here, the surrounding local economy, and strengthens national energy and defense security. I want to thank the Department of Energy and the Trump administration for reconsidering the Obama administration’s decision to end the domestic uranium enrichment demonstration program. I will continue to work with my colleagues and the administration to ensure this site gets cleaned up and ready for redevelopment.”*

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Senator Portman has also been a leader in the decontamination and decommissioning efforts at the

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From: [Kalmbach, Emmalee \(Portman\)](#)  
To: [Szymanski, Jessica](#)  
Cc: [Hynes, Shavlyn](#)  
Subject: [EXTERNAL] Re: energy reporters  
Date: Monday, January 07, 2019 1:12:34 PM

Awesome! Thank you!

Sent from my iPhone

On Jan 7, 2019, at 1:10 PM, Szymanski, Jessica <[Jessica.Szymanski@hq.doe.gov](mailto:Jessica.Szymanski@hq.doe.gov)> wrote:

Hi Emmalee,

Below are some of our beat energy reporters.

Thanks!  
Jess

Contact Name	Outlet Name	Contact E-mail
Knight, Chris	Argus Media	<a href="mailto:chris.knight@argusmedia.com">chris.knight@argusmedia.com</a>
Daly, Matthew	Associated Press	<a href="mailto:mdaly@ap.org">mdaly@ap.org</a>
Kern, Rebecca	Bloomberg BNA	<a href="mailto:rkern@bna.com">rkern@bna.com</a>
Marshall, Christa	E&E News	<a href="mailto:cmarshall@eenews.net">cmarshall@eenews.net</a>
Northey, Hannah	E&E News	<a href="mailto:hnorthey@eenews.net">hnorthey@eenews.net</a>
DiCosmo, Bridget	Energy Intelligence	<a href="mailto:hdicosmo@energyintel.com">hdicosmo@energyintel.com</a>
Holden, Emily	Guardian - Media, The	<a href="mailto:emily.holden@theguardian.com">emily.holden@theguardian.com</a>
Cama, Tim	Hill, The	<a href="mailto:tcama@thehill.com">tcama@thehill.com</a>
Osborne, James	Houston Chronicle	<a href="mailto:james.osborne@chron.com">james.osborne@chron.com</a>
Litvak, Anya	Pittsburgh Post-Gazette	<a href="mailto:alitvak@post-gazette.com">alitvak@post-gazette.com</a>
Dixon, Darius	POLITICO	<a href="mailto:ddixon@politico.com">ddixon@politico.com</a>
Christian, Molly	S&P Global Market Intelligence	<a href="mailto:Molly.Christian@spglobal.com">Molly.Christian@spglobal.com</a>
Hiruo, Elaine	S&P Global Platts	<a href="mailto:elaine.hiruo@spglobal.com">elaine.hiruo@spglobal.com</a>
Bade, Gavin	Utility Dive	<a href="mailto:gavin@industrydive.com">gavin@industrydive.com</a>
Puko, Tim	Wall Street Journal, The	<a href="mailto:tim.puko@wsj.com">tim.puko@wsj.com</a>
Siciliano, John	Washington Examiner	<a href="mailto:jsiciliano@washingtonexaminer.com">jsiciliano@washingtonexaminer.com</a>
Grandoni, Dino	Washington Post	<a href="mailto:dino.grandoni@washpost.com">dino.grandoni@washpost.com</a>
Gardner, Tim	Reuters	<a href="mailto:timothy.gardner@thomsonreuters.com">timothy.gardner@thomsonreuters.com</a>

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**From:** [Riley, Sean \(Ron Johnson\)](#)  
**To:** [Burnison, Melissa](#)  
**Subject:** [EXTERNAL] DOE non-compliance issue  
**Date:** Friday, March 15, 2019 9:50:26 AM

---

Hi, Melissa—Is there a good time for us to connect on a notice of non-compliance issue a constituent has raised with our office?

Sean Riley  
Chief Counsel & Legislative Director  
Office of Senator Ron Johnson (WI)  
(202) 224-5323

\*\*\*\*\*  
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**From:** [Stebbins, Justin \(Ron Johnson\)](#)  
**To:** [Buchan, Samuel](#); [Mapes, Thomas E.](#)  
**Subject:** [EXTERNAL] RE: Meeting Tuesday 4/2  
**Date:** Friday, March 29, 2019 3:16:50 PM

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Of course. I have a window from 1:00 to 2:00 and after 5:30.

---

**From:** Buchan, Samuel <Samuel.Buchan@hq.doe.gov>  
**Sent:** Friday, March 29, 2019 1:11 PM  
**To:** Mapes, Thomas E. <thomas.mapes@hq.doe.gov>; Stebbins, Justin (Ron Johnson) <Justin\_Stebbins@ronjohnson.senate.gov>  
**Subject:** RE: Meeting Tuesday 4/2

Thanks, Thomas.

Justin – It’s good to connect with you. I’m happy to accommodate your availability. Looking forward to talking.

Best,  
Sam

---

**From:** Mapes, Thomas E.  
**Sent:** Friday, March 29, 2019 12:50 PM  
**To:** Stebbins, Justin (Ron Johnson) <[Justin\\_Stebbins@ronjohnson.senate.gov](mailto:Justin_Stebbins@ronjohnson.senate.gov)>; Buchan, Samuel <[Samuel.Buchan@hq.doe.gov](mailto:Samuel.Buchan@hq.doe.gov)>  
**Subject:** Meeting Tuesday 4/2

Justin-

Sam Buchan cc’d our Senior Advisor and myself have a meeting on Tuesday afternoon on the hill. Do you have 15 min to chat about the bill we spoke about yesterday?

Thanks

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**From:** [Stebbins, Justin \(Ron Johnson\)](#)  
**To:** [Mapes, Thomas E.](#); [Nicholas, Kyle](#); [Buchan, Samuel](#)  
**Subject:** [EXTERNAL] RE: Murphy Drop-By  
**Date:** Wednesday, April 03, 2019 12:58:18 PM

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Great, thanks. Happy to meet all at once but give her the choice.

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**From:** Mapes, Thomas E. <thomas.mapes@hq.doe.gov>  
**Sent:** Wednesday, April 3, 2019 12:34 PM  
**To:** Stebbins, Justin (Ron Johnson) <Justin\_Stebbins@ronjohnson.senate.gov>; Nicholas, Kyle <kyle.nicholas@hq.doe.gov>; Buchan, Samuel <samuel.buchan@hq.doe.gov>  
**Subject:** RE: Murphy Drop-By

Adding Sam Buchan to this email who was the lead with us.

We swung by and got a quick second with Jessica. The reaction was positive and we were hoping to get a meeting on the calendar in the near future.

Would it be worthwhile to get everyone in the same room or speak with her one on one first?

Thanks again for meeting yesterday.

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**From:** Stebbins, Justin (Ron Johnson) [[mailto:Justin\\_Stebbins@ronjohnson.senate.gov](mailto:Justin_Stebbins@ronjohnson.senate.gov)]  
**Sent:** Wednesday, April 03, 2019 12:05 PM  
**To:** Nicholas, Kyle <[kyle.nicholas@hq.doe.gov](mailto:kyle.nicholas@hq.doe.gov)>; Mapes, Thomas E. <[thomas.mapes@hq.doe.gov](mailto:thomas.mapes@hq.doe.gov)>  
**Subject:** [EXTERNAL] Murphy Drop-By

Did you fellas end up catching Jessica yesterday?

And who was your third? I only have cards for you two.

**Justin Stebbins**  
Senator Ron Johnson  
328 Hart Senate Office Building  
Washington, DC 20510  
Phone: (202) 224-5323

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