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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

CECIL D. ANDRUS,)	
)	No. 1:15-cv-453-BLW
<i>Plaintiff,</i>)	
)	DECLARATION OF
vs.)	MARC SHUMAKER
)	
UNITED STATES)	
DEPARTMENT OF ENERGY)	
)	
<i>Defendant.</i>)	

I, Marc Shumaker, declare and state as follows:

1. I am counsel of record for Plaintiff Cecil D. Andrus in this matter. The following statements are based on my personal knowledge.
2. On April 8, 2016, Plaintiff Cecil D. Andrus received an additional response letter from Defendant Department of Energy via e-mail. The letter included the full release of eight documents labeled CI 3-10, which were previously withheld under FOIA Exemption 5’s deliberative process privilege and also as non-responsive. Attached as Exhibit A is a true and correct copy of the additional response letter and the eight released documents.

3. Document CI 3 contains an e-mail beginning with the greeting “Good afternoon” and ending with the sentence “We would be happy to come up and brief you as a delegation if you would like.” There are nine paragraphs in between these quotations that were redacted in DOE’s original response, but have now been fully released. *See* Plaintiff’s Opening SJ Brief (*Docket No. 15-3*), Attachment A, pp. 108-09. All eight documents (CI 3-10) contain e-mails that forwarded this information verbatim.

4. This previously redacted information pertains to DOE’s two planned shipments of spent nuclear fuel to INL. It is factual information that was released in DOE’s original response letter on July 10, 2015. Specifically, this information can be found in DOE’s letter to Governor Otter dated December 16, 2014, that was released as an attachment to document ID 2. *See id.*, pp. 6-7.

5. DOE is still withholding this same information under the deliberative process privilege in documents NE 24-26. *See id.*, pp. 81-88. This information is identifiable in documents NE 24-26 by the same quotations above in paragraph 3, which are the only portions of the e-mail that DOE originally released.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 23rd day of May, 2016 at Boise, Idaho.

/s/ Marc Shumaker
Marc Shumaker (ISB# 9606)