



Department of Energy
Washington, DC 20585

Lewis Kamb
U.S. Right To Know
4096 Piedmont Avenue
Oakland, CA 94611

Via email: lewis@usrtk.org

Re: HQ-2025-03244-F

This is a supplemental 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:

We request the DOE's latest assessment or intelligence report of the origin of the COVID-19 pandemic at the time this request is received. Please also provide any reports, analyses or appendices directly referred to, described in, or attached to this assessment or intelligence report. For context, such an assessment by DOE of the pandemic's origin is referred to among several "IC assessments" made by federal agencies that are summarized in the Office of the Director of National Intelligence's report, "Updated Assessment of Covid-19 Origins." Such an assessment by DOE was also widely reported by media outlets in 2023, including in news stories published on Feb. 26, 2023, by The New York Times and the Wall Street Journal. If the assessment reported on in these stories is the latest version by DOE, we are seeking that record. If DOE has conducted a subsequent assessment, we are seeking the latest such assessment.

Your request was assigned to DOE's Office of Intelligence and Counterintelligence (IN) to conduct a search of its files for responsive documents.

Upon further review of the responsive records previously released, DOE is providing you with a revised set of records that accurately reflects those which are responsive and marked with applicable FOIA exemptions. With respect to any information released in prior productions or elsewhere, DOE is making no admissions of error or waivers. DOE retains all rights under the law that it currently would have with regard to any and all documents released and retains the right to assert such privileges and exemptions on a case-by-case basis as it deems appropriate.

At this time, IN has identified the three (3) documents responsive to your request. The documents are being released to you as described in the accompanying index.

Upon review, DOE has determined that certain information should be withheld from the documents pursuant to Exemptions 1, 3, and 6 of the FOIA, 5 U.S.C. §§552 (b)(1), (b)(3)(A), and (b)(6).



Title 5, United States Code, section 552 (b)(1) (Exemption 1), provides that an agency may exempt from disclosure matters that are “(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order” 5 U.S.C. §552(b)(1).

Exemption 1 authorizes, under criteria established by an Executive order, information to be kept secret in the interest of National defense or foreign policy. The portions deleted from the subject documents pursuant to Exemption 1 contain information about intelligence activities (including covert action), intelligence sources or methods, or cryptology and are classified under section 1.4 (c) of Executive Order 13526 (E.O. 13526). It has been determined that release of the information could reasonably be expected to cause damage to the national security.

Exemption 3 protects from disclosure information “specifically exempted from disclosure by statute (other than section 552(b) of this title), if that statute—(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld[.]” The National Security Act of 1947 (the Act), 50 U.S.C. §3001, et seq., is one such statute that falls within the coverage of Exemption 3. See *CIA v. Sims*, 471 U.S. §159, 167 (1985) (“Section 102(d)(3) of the National Security Act of 1947, which calls for the Director of Central Intelligence to protect ‘intelligence sources and methods,’ clearly ‘refers to particular types of matters,’ 5 U.S.C. §552(b)(3)(B), and thus qualifies as a withholding statute under Exemption 3.”).

The Act permits the redactions of both sensitive unclassified information and classified information, such as intelligence methodology and intelligence and counterintelligence personnel involved in these activities. The information withheld under Exemption 3 consists of specific sources and methods used in intelligence and counterintelligence methods, methodology and research, the disclosure of which could reveal the nature of intelligence activities.

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 non public and/or sensitive information, such as identifying information of intelligence personnel. 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 Title 10, Code of Federal Regulations, section 1004.6 (10 C.F.R. §1004.6), the DOE’s Office of Classification, Office of Environment, Health, Safety and Security, in DOE has completed its review of these documents responsive to your request. These documents located in IN’s files contain information properly classified as National Security Information; therefore, they are provided to you with deletions.

Pursuant to 10 C.F.R. §1004.6(d), Adam Davis, Acting Director, Office of Classification, Office of Environment, Health, Safety and Security, is the official responsible for the denial of the DOE classified information. To the extent permitted by law, DOE, pursuant to 10 C.F.R. 1004.1, will make available records it is authorized to withhold under FOIA whenever it determines that such disclosure is in the public interest. With respect to the information withheld from disclosure pursuant to Exemption 1, DOE has no further discretion under FOIA or DOE regulations to release information currently and properly classified pursuant to E.O. 13526.

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 David Bettwy, Assistant United States Attorney, U.S. Attorney’s Office at David.Bettwy@usdoj.gov, telephone at 240-252-2410, or by mail at U.S. Attorney’s Office 601 D Street, NW, Washington, DC 20530 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.

I appreciate the opportunity to assist you with this matter.

Sincerely,

Todd Burns
Assistant General Counsel for
Finance and Information Law

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Request #: HQ-2025-03244-F

Supplemental response to Lewis Kamb:

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DOE has located three (3) documents responsive to your request.

- Two (2) documents are *being withheld in part pursuant to Exemptions (b)(1), (b)(3)(A) and (b)(6).*
- One (1) document is *being withheld in part pursuant to Exemptions (b)(1) and (b)(3)(A).*

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SC-326-0012-21-G

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Z PROGRAM ANALYTIC HIGHLIGHT

International Assessments Report

Lawrence Livermore National Laboratory



17 February 2021

(U) Lawrence Livermore National Laboratory (LLNL), Global Security Principal Directorate, Z Program, prepared this report. The views expressed are those of the authors and not necessarily those of the sponsors. The information cutoff date of this revised report remains May 2020.

(U) Comments are encouraged and feedback on this report and other Z Program products can be provided through our JWICS website, <http://z.ic.gov/>.

(U) Contacts

- Z Program Author
(b) (6)
- Z Program Associate Program Leader
(b) (6)
- Z Program Manager
(b) (6)

Derivative declassifier review required prior to declassification

Classified By: (b) (6), (b) (1) (A) Z Program Production Manager
Derived From: Multiple Sources, (b) (3) (A) and CG-IN-2, 3/2019 DOE OC
Declassify On: 25X6, 20710217

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Z Program, Lawrence Livermore National Laboratory

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[†] (U) “Gain of function” is a term used for a class of experiments in which researchers introduce genetic changes—via reverse genetics, recombination, or spontaneous mutation—to a strain of interest. If the new strain exhibits increased transmissibility or virulence, generally via pathogenesis studies, then a “gain of function” was achieved.

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(U) Scope Note

(b) (1) (A)

(U) Provide Feedback or Request a Document

(U) We invite your feedback. Use the JWICS website, <http://z.ic.gov>, or [email](#) to comment on this report. You can also comment on or request [other Z Program products](#).

(U//FOUO) The information in this report is provided for intelligence purposes only, but may be used to develop potential investigative leads. No information contained in this report, nor any information derived therefrom may be used in any proceeding (whether criminal or civil), to include any trial, hearing, or other proceeding before any court, department agency, regulatory body, or other authority of the United States without the advance approval of the Attorney General and/or the agency or department that originated the information contained in this report. These restrictions apply to any information extracted from this document and used in derivative publications or briefings.

(b) (1) (A)

(U) Note: Document may not be used as the source for derivative classification nor can it be used as a source for preparers of classification guides.

(U) References

1. (U) | Website article | (b) (3) (A)
2. (U) | Article | (b) (3) (A)
3. (U) | Article | (b) (3) (A)
4. (U) | Article | (b) (3) (A)
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U.S. DEPARTMENT OF
ENERGY

Intelligence and
Counterintelligence

90-Day Study on Covid-19 Origins
Office of Intelligence & Counterintelligence
July 23, 2021

(b) (3) (A)

(b) (1) (A)

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Derived From : Multiple Sources
Declassify On: 20461231

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U.S. DEPARTMENT OF
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Counterintelligence**INTELLIGENCE
NOTE**

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22 October 2021

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Multiple Sources, CG-IN-2, 3/2019
(b) (3) (A)Comments and queries are welcome and may be addressed to
DOE, Office of Intelligence and Counterintelligence
DOE-IN POC

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