

# Exhibit 2



400 W. Summit Hill Drive, Knoxville, Tennessee 37902

June 23, 2022

Mr. Daniel J. Metzger (dmetzger@selctn.org)  
Southern Environmental Law Center  
1033 Demonbreun Street, Suite 205  
Nashville, TN 37203

Dear Mr. Metzger:

This responds to your request under the Freedom of Information Act (FOIA) dated October 4, 2021, requesting records related to TVA's understanding and actions regarding portions of Executive Orders 13990 and 14008. Your request was processed under tracking number 22-FOI-00003.

Enclosed are the records responsive to your request that we are able to provide.

31 items (emails and documents) responsive to your request are withheld pursuant to FOIA exemption 5. The deliberative process privilege under exemption 5 protects, among other things, confidential internal deliberations and draft documents that are part of an agency's decision-making processes. TVA routinely protects this type of information from public disclosure in order to protect the openness and integrity of TVA's deliberations and decision-making processes. Some of the withheld information is also exempt under the attorney-client privilege under exemption 5. The attorney-client privilege protects confidential communications between attorneys and their clients who seek advice on legal issues.

If you have questions about this response you may contact me at foia@tva.gov. Contact information for FOIA mediation services from TVA and the Office of Government Information Services is provided.

You may appeal this response to your FOIA request by writing to Mr. Buddy Eller, Vice President, Communications & Public Relations, Tennessee Valley Authority, at email address foia@tva.gov or Fax to (865) 632-6901. Any appeal must be received within 90 days of the date of this letter.

Sincerely,

A handwritten signature in black ink that reads "Denise Smith". The signature is written in a cursive, flowing style.

Denise Smith  
TVA FOIA Officer

Enclosures

## **NOTICE**

The Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS Services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
Email [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 301-837-1996  
Facsimile: 301-837-0348  
Toll-free: 1-877-684-6448

FOIA Liaison mediation services are also available through the TVA Ombudsman. You may contact the Ombudsman in any of the following ways:

Mr. Wilson Taylor  
Ombudsman and TVA FOIA Liaison  
Tennessee Valley Authority  
400 W. Summit Hill Drive (WT 7D)  
Knoxville, TN 37902-1401  
Email [wtaylor@tva.gov](mailto:wtaylor@tva.gov)  
Telephone: (865) 632-8133