



Department of Energy
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29802

May 27, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Clements
Savannah River Site Watch
1112 Florence Street
Columbia, SC 29201

Dear Mr. Clements:

**SUBJECT: Freedom of Information Act (FOIA) Request Savannah River Operations Office
SRO-2020-00684-F**

This letter constitutes our final response to your FOIA request for copies of:

- 1) Any modification to the original Work for Others (WFO) agreement between DOE/Savannah River Nuclear Solutions and Jülicher Entsorgungsgesellschaft für Nuklearanlagen (JEN) - located at the Forschungszentrum Jülich (FZJ) in Germany - and the Savannah River Site, Savannah River Nuclear Solutions, and/or the Savannah River National Laboratory after February 28, 2020. Modification Number 7 to the Work for Others agreement terminated on February 28, 2021, so this request covers any "modification" or new agreement subsequent to Modification Number 7. The requested modification(s) may be called Modification Number 8 (and higher);
- (2) Any documentation in the hands of DOE, SRS, SRNL or SRNS from 2020 or 2021 on plans to import irradiated or unirradiated graphite fuel "pebbles" or materials from Germany to SRS;
- (3) Any attachments to Modification 8 requested above; and
- (4) Any documents, including reports, from any SRS entity that were provided to Germany in 2020 or 2021 under the Work for Others agreement, Modification Number 7.

The enclosed document is responsive to your request. Upon review, DOE has determined that certain information should be withheld in the documents pursuant to Exemptions 4 of the FOIA, 5 U.S.C. §§ 552 (b)(4).

Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." 5 U.S.C. § 552(b)(4). This exemption is intended to protect the interests of both the Government and submitters of information. Exemption 4 affords protection to submitters who provide trade secrets, or commercial or financial information to the Government by safeguarding them from the competitive disadvantages that could result from disclosure. The exemption covers two broad categories of information in Federal agency records: 1) trade secrets, and 2) information that is (a) commercial or financial and (b) obtained from a person, and (c) privileged and confidential.

The information withheld under Exemption 4 includes sensitive commercial or financial information that is maintained in confidence by the submitters and that which is "so customarily kept private, or at least, closely held by the person imparting it." *Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356, at 2363. The information withheld includes financial information related to the costs of the contract.

If you wish to challenge the adequacy of the search or the information withheld, you must submit a written appeal within 90 calendar days after receipt of this letter denying in part and granting in part the requested information. Written appeals should be submitted to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, L'Enfant Plaza Building, Washington, DC 20585, under 10 CFR § 1004.8, which sets forth the required elements of such appeals. Thereafter, judicial review will be available within the district in which a requester resides, has a principal place of business, in the place in which the records are situated, or in the District of Columbia. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "FOIA Appeal" in the subject line.

You may contact me, DOE Savannah River Operations Office's (SR's) FOIA Public Liaison, at (803) 952-7618 or by mail at PO Box A, Aiken, SC, 29802 for any further assistance or 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, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

As Chief Counsel, DOE-SR, I am the authorizing and denying official for the documents responsive to your request. If you have any questions, please contact Ms. Jennifer Farmer at (803) 952-7813 or jennifer.farmer@srs.gov.

Sincerely,

Lucy M. Knowles
Authorizing Official

OCC: LMK:anv