



Department of Energy  
National Nuclear Security Administration  
Office of the General Counsel  
P. O. Box 5400  
Albuquerque, NM 87185



July 13, 2022

**SENT VIA EMAIL**

Tom Clements  
Director, Savannah River Site Watch  
1112 Florence Street  
Columbia, SC 29201  
[TomClements329@cs.com](mailto:TomClements329@cs.com)

Dear Mr. Clements:

This letter is the final response to your July 20, 2021, Freedom of Information Act (FOIA) request.

**Your request stated the following:**

"Any "lessons-learned report(s)" or review(s) analyzing what happened with the bungled MOX project and what can be avoid a similar boondoggle in the future; Any attachments to any MOX "lessons-learned report(s)."

Your request was received in our office on July 28, 2021. Upon receipt, we contacted the Savannah River Field Office (NA-SV) about your request. NA-SV also asked their Management and Operating (M&O) contractor, Savannah River Nuclear Solutions, LLC (SRNS) and Savannah River, Acquisition and Project Management Office (APMO) to conduct a search for responsive records. NA-SV, SRNS and APMO conducted a comprehensive search of their records.

**The following responsive records were located:**

Document: 1: SR PMO FY20 – AAP Major Project Lessons Learned: PDCF, MOX, Vogtle Units-3&4 and VC Summer Units-2&3, February 10, 2019, 8 pgs.

Document 2: Mixed Oxide (MOX) Fuel Fabrication Facility (MFFF) Project Closure Report, November 30, 2021, 9 pgs.

Document 3: Mixed Oxide (MOX) Fuel Fabrication Facility (MFFF) Project Closure Report, September 23, 2021, 62 pgs.

The enclosed documents and associated itemized listing contain the information you requested, with redactions pursuant to 5 U.S.C. § 552(b)(5), Exemption 5 of the FOIA.

**Exemption 5** exempts from mandatory disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 incorporates the attorney-client privilege, attorney work-product privilege, and deliberative process (or pre-decisional) privilege. The general purpose of the deliberative process privilege is to prevent injury to the quality of agency decisions and provides protection for the decision-making processes of government agencies, where the exposure of that process would result in harm. In addition, pre-decisional information is exempt from disclosure to protect against premature release of information that could cause confusion that might result from the disclosure of information that would not in fact be the agency's final decision.

Information is pre-decisional if it was prepared to assist an agency decision-maker to arrive at a decision. Pre-decisional information that is exempt from mandatory disclosure is distinct from post-decisional information that sets forth the reason for an agency decision that has been made. The information being withheld pursuant to Exemption 5 is collaboration activity contained within the documents that are deliberative in nature and would divulge the preliminary and internal analyses. Moreover, any facts intertwined into the recommendations documented by these comments are selected as part of the deliberative process and cannot be segregated because their very selection reveals the issue being deliberated. The harm in releasing this information is that it protects the agency against premature disclosure of proposed policies and guards against public confusion from release of reasons and rationales that were not ultimately the basis for agency decisions. With respect to the discretionary disclosure of deliberative information, the quality of agency decisions would be adversely affected if frank, written discussion of policy matters was inhibited by the knowledge that the content of such discussion might be made public.

The Department of Energy (DOE) regulations 10 CFR § 1004.1 provides that documents exempt from mandatory disclosure under the FOIA shall be released regardless of their exempt status, unless DOE determines that disclosure is contrary to public interest. For the reasons described above, NNSA has determined that release of the information described above is not in the public interest.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for the withholding of the information mentioned above pursuant to Exemptions 5 of the FOIA.

You may appeal the withholding of information pursuant to 10 CFR § 1004.8. Such an appeal must be made in writing within 90 calendar days after receipt of this letter, addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, L'Enfant building, Washington, DC 20585. Your appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. **Please submit a copy of this letter with the appeal** and clearly mark both the envelope and the letter "Freedom of Information Appeal." You may also submit your appeal by email (preferred method) to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. Thereafter, judicial review will be available to you in the District of Columbia or in the district where (1) you reside, (2) you have your principal place of business, or (3) the Department's records are situated.

You may also contact me, NNSA's FOIA Public Liaison, Office of the General Counsel, at 1-866-747-5994, or by mail to Department of Energy, National Nuclear Security Administration, Office of the General Counsel, PO Box 5400, Albuquerque, NM 87185, for 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.

There are no fees chargeable to you for processing this request. If you have questions, please contact Mr. Roberto Marquez by e-mail at [Roberto.Marquez@nnsa.doe.gov](mailto:Roberto.Marquez@nnsa.doe.gov), or write to the address above. Please reference Control Number FOIA 21-00282-R.

Sincerely,

Christina H.  
Hamblen

Digitally signed by  
Christina H. Hamblen  
Date: 2022.07.13  
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Christina H. Hamblen  
FOIA Officer

Enclosure