



March 1, 2023

Freedom of Information Office  
Savannah River Operations Office  
P.O. Box A  
Aiken, SC 29802

**FOIA Request for: "Modification Number 10" to "Work for Others" Agreement between SRS and Germany, Concerning Processing of Highly Radioactive German AVR Spent Fuel at SRS; Communication between SRS, JEN on Terminating or Revising Cooperation on AVR Spent Fuel Processing**

To Whom it Concerns:

This is a request filed under the Freedom of Information Act, as amended. Per applicable law and Department of Energy regulations, I anticipate a response to this request within 20 days. If the requested documents are not provided within 20 days please provide the reason why and provide a date by which they will be provided.

This request is being filed on behalf of Savannah River Site Watch (SRS Watch), a corporation duly registered with the State of South Carolina and a registered 501(c)(3) non-profit organization. In addition to many FOIA requested filed on behalf of SRS Watch, I have filed many FOIA requests with DOE on behalf of other non-profit organizations, including Friends of the Earth, the Alliance for Nuclear Accountability, Greenpeace and the Nuclear Control Institute.

I request that any fees that may be associated with this request be waived. The information obtained in response to this request will be used solely for non-profit purposes in South Carolina, the United States and Germany. The information will contribute to the public's understanding of the manner in which DOE conducts its business and will specifically be used to inform the public about DOE's efforts to import spent nuclear fuel from Germany. The information obtained via this request will be provided to not only the public but also the media, the Savannah River Site Citizens Advisory Board (a duly embodied federal advisory panel) and members of the German government at both the state and federal levels. Over the years, I have demonstrated an ability to use information gathered via FOIA requests in a manner so as to educate the public about DOE and issues it is addressing. I request that the fee-waiver standard that has been applied to my requests in the past be applied to this request.



This request is a follow-up to earlier FOIA requests on the same matter. For those requests, from which documents were obtained, no fee was charged.

If any claim is made that any portion of any located documents are sensitive in nature or meet FOIA exclusions, I request that redacted copies of such documents be provided to me and that a full explanation be provided as to the reasons for any redactions. I request that documents be provided to me as they become available to staff and that the documents not be withheld until all pertinent documents are obtained.

Concerning the period of response to this request, I note that the FOIA states that “[e]ach agency, upon any request for records made under paragraph . . . (3) . . . shall determine within 20 [working] days . . . whether to comply with such request and shall immediately notify the person making such request of . . . such determination and the reasons therefor.” 5 U.S.C. § 552(a)(6)(A)(i). “[I]n order to make a determination,” an agency must, inter alia, “determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents.” *Citizens for Responsibility and Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d 180, 188 (D.C. Cir. 2013).

In “unusual circumstances,” an agency may extend FOIA’s 20 working-day deadline by up to ten additional working days, but the agency must also provide written notice to the requester including “the date on which a determination is expected to be dispatched.” 5 U.S.C. § 552(a)(6)(B)(i). Similarly, FOIA requires agencies to “provide[] information about the status of a request,” “including . . . an estimated date on which the agency will complete action on the request.” *Id.* § 552(a)(7)(B). DOE’s regulations recognize these requirements. *See* 10 C.F.R. § 1004.5(d)(1) (stating that DOE will act “within 20 days of a request for DOE records being received”); *id.* § 1004.5(d)(1)(iii) (recognizing that if DOE invokes “unusual circumstances” it may “take an extension not to exceed ten days” and must provide “the date on which a determination is expected to be dispatched”).

This request applies to research and development at SRS concerning spent fuel from two closed German commercial, experimental reactors - the AVR and THTR gas-cooled reactors - both of which used graphite fuel. The spent fuel from those reactors, contained in Castor casks, is now stored at two facilities located in Jülich and Ahaus, Germany.

The SRS-Jülicher Entsorgungsgesellschaft für Nuklearanlagen (JEN) “Work for Others” agreement, modification number 9, dated February 21/23, 2022 is posted here on the SRS Watch website: <https://srswatch.org/wp-content/uploads/2022/04/2022-02-21-WFO-13-021-Mod-No.-9-received-23-March-2022.pdf>. That agreement remained in effect until February 28, 2023. This FOIA request is for the subsequent agreement - temporary or longer - and any subsequent communication related to the status of the research at SRS.



This request applies to DOE and any contractors working for DOE, including Savannah River Nuclear Solutions and the Savannah River National Laboratory (SRNL). This request applies to the DOE's Savannah River Operations Office and DOE's Office of Environmental Management.

**I hereby request:**

- 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 2022. Modification Number 9 to the Work for Others agreement terminated on February 28, 2023, so this request covers any "modification" or new agreement subsequent to Modification Number 9. The requested modification(s) may be called Modification Number 10 (or higher).
- Any documentation on import of irradiated or unirradiated graphite fuel "pebbles" or materials from Germany to SRS. (At the time of this filing, it is believed that JEN obtained initial permission to export 33 fuel pebbles but it is unknown if final permission has been obtained from the Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) - the Office of Economics and Export Control or other German agencies. The export is facing legal challenge.)
- Any attachments to Modification 10 requested above and any reports from any SRS entity that were provided to Germany in 2022 or 2023 under the Work for Others agreements.
- And communication, including letters and emails, between SRNL, SRS or DOE and JEN or other German entities on the status of the cooperation, including on terminating or reviving the WFO or other cooperation.

Please get in touch if you have questions about this request. My email is: [tomclements329@cs.com](mailto:tomclements329@cs.com). Thank you for your timely response.

Sincerely,



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