



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

June 13, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Clements
Director, 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-2023-00646-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 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);
- (2) 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.)
- (3) 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
- (4) Any 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.”

The documents titled “SRNL HTGR Technology Maturation Activities Cost Estimate” and “Schaffler 10.12.22 email” are being provided in their entirety; however, we have redacted classification markings that no longer apply to the documents. The document titled “SRNL HTGR Technology Maturation Activities” is being provided with portions withheld under Exemption 3.

We are withholding portions of the document titled “SRNL HTGR Technology Maturation Activities” under FOIA Exemption 3. 5 U.S.C. § 552(b)(3). Exemption 3 allows the withholding of information protected by a nondisclosure provision in a federal statute other than FOIA. Specifically, this information is export-controlled information that is exempt from release under FOIA Exemption 3 (statutory exemption), per the regulation 10 CFR 810 and the Atomic Energy Act statute.

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