



**Nuclear Information and Resource Service**

6930 Carroll Ave., Suite 340 • Takoma Park, MD 20912

(301) 270-NIRS (6477) • Fax: (301) 270-4291

www.nirs.org • nirs@nirs.org • twitter: @nirsnet

April 2, 2019

FOIA/Privacy Act Officer  
U.S. Department of Energy  
FOIA Requester Service Center  
1000 Independence Avenue, SW  
Mail Stop MA-46  
Washington, DC 20585

Subject: Freedom of Information Act Request

Dear Madam/Sir:

On behalf of the Nuclear Information and Resource Service (“NIRS”), and pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., I hereby request that you provide me with copies of the following documents:

1. Documents, meeting records, and correspondence related to the U.S. Department of Energy’s (“DOE”) pursuit of a pilot project to demonstrate the feasibility of existing AC100M centrifuge technology for production of high-assay low-enriched uranium (“HA-LEU”), and the awarding of a contract to Centrus Energy to undertake the pilot project.<sup>1</sup>
2. Documents, meeting records, and correspondence related to the following matters:
  - a. Any and all public notices of meetings and activities of the NEAC and its subcommittees from October 2017 to the present.
  - b. The development and implementation by DOE’s Office of Nuclear Energy (“NE”) of revised “mission priorities and focus” and a “strategic plan and roadmap for the future” of civilian nuclear energy, described at meetings of the NEAC on October 13, 2017<sup>2</sup> and July 9, 2018.<sup>3</sup>
  - c. Appointments made to the Nuclear Energy Advisory Committee (“NEAC”) announced June 4, 2018.<sup>4</sup>
  - d. Reorganization of the NEAC, its subcommittees, and their charters announced as detailed at meetings held in July 9, 2018<sup>5</sup> and March 28, 2019.<sup>6</sup>

---

<sup>1</sup> U.S. Department of Energy. “Notice of Intent to Sole Source.” U.S. General Services Administration, Federal Business Opportunities. January 7, 2019.

<https://www.fbo.gov/index.php?s=opportunity&mode=form&id=f2ea2ab3c8258c1c1a77503c889ab6a3&tab=core&tabmode=list&=>

<sup>2</sup> U.S. DOE. “Minutes: Nuclear Energy Advisory Committee Meeting – October 13, 2017.”

[https://www.energy.gov/sites/prod/files/2018/07/f53/October%20Meeting%20Minutes\\_0.pdf](https://www.energy.gov/sites/prod/files/2018/07/f53/October%20Meeting%20Minutes_0.pdf)

<sup>3</sup> U.S. DOE. “Minutes: Nuclear Energy Advisory Committee Meeting – July 9, 2018.”

[https://www.energy.gov/sites/prod/files/2018/07/f54/July%202018%20Meeting.v0\\_0.pdf](https://www.energy.gov/sites/prod/files/2018/07/f54/July%202018%20Meeting.v0_0.pdf)

<sup>4</sup> U.S. DOE. “DOE’s Office of Nuclear Energy Appoints New Members to Nuclear Energy Advisory Committee.” Press Release. June 4, 2018. <https://www.energy.gov/ne/articles/doe-s-office-nuclear-energy-appoints-new-members-nuclear-energy-advisory-committee>

- e. Meetings of the NEAC International Subcommittee held October 18-19, 2018, and January 10-11, 2019.
- f. The meeting of the NEAC Advanced Reactor Pipeline Subcommittee, held November 7, 2018.<sup>7</sup>

The correspondence records we seek include, but are not limited to, correspondence relevant to the above topics to and from the following individuals:

- Secretary of Energy Rick Perry
- Principal Deputy Assistant Secretary for Nuclear Energy Ed McGinniss
- Chief Operating Officer Dennis Michael Miotla
- Associate Deputy Assistant Secretary for International Nuclear Energy Policy and Cooperation Sarah Lennon
- Deputy Assistant Secretary for Nuclear Technology Research and Development John Herczeg
- Deputy Assistant Secretary for Reactor Fleet and Advanced Reactor Deployment Shane Johnson
- Deputy Assistant Secretary for Nuclear Infrastructure Programs Tracey Bishop
- Manager Idaho Operations Office Robert Boston
- Senior Advisor, Office of Nuclear Energy Suzanne Jaworowski
- Members of the Nuclear Energy Advisory Committee

If, for any reason, you deny this request or any portion thereof, for each document denied, please identify the statutory and/or regulatory exemption on which you rely, and the reason that it is applicable in this instance.

Pursuant to federal regulations at 10 CFR Section 1004.9(a), NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the criteria listed in Section 1004.9(a)(8)(i):<sup>8</sup>

**1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.”**

The subject of the request involves the operations of the U.S. Department of Energy and actions, meetings, and programs undertaken by the DOE, its representatives, its appointed advisors, and its contractors. Therefore, our request indisputably concerns "the operations or activities of the government." Further, documents generated by DOE management contractors are “owned” by the federal government and therefore fall under this request. Additionally, the fact that a

---

<sup>5</sup> U.S. DOE, Office of Nuclear Energy. “NEAC Meeting: July 9, 2018.”

<https://www.energy.gov/ne/downloads/neac-meeting-july-9-2018>

<sup>6</sup> U.S. DOE, Office of Nuclear Energy. “NEAC Meeting: March 28, 2019.”

<https://www.energy.gov/ne/downloads/neac-meeting-march-28-2019>

<sup>7</sup> U.S. DOE, Advance Reactor Pipeline Subcommittee. “Report: Advanced Reactor Pipeline Subcommittee.” March 28, 2019.

[https://www.energy.gov/sites/prod/files/2019/04/f61/Advanced%20Reactor%20Pipeline%20SubcommitteeFinal%28Rev1%29\\_0.pdf](https://www.energy.gov/sites/prod/files/2019/04/f61/Advanced%20Reactor%20Pipeline%20SubcommitteeFinal%28Rev1%29_0.pdf)

<sup>8</sup> Title 10, Code of Federal Regulations, Part 1004.9(a)(8)(i) and (ii). <https://www.govinfo.gov/content/pkg/CFR-2012-title10-vol4/pdf/CFR-2012-title10-vol4-sec1004-9.pdf>

requested document may have been generated by a contractor, rather than the federal government itself, does not excuse any delay to the fulfillment of our request.

**2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities.**

Disclosure of the information NIRS is requesting is vital to helping the public understand the purpose, scope, and effect of DOE’s activities for energy and environmental policy. DOE activities in the areas of nuclear energy and R&D are of vital concern to citizens throughout the U.S., yet it is an area where public information is often lacking or inadequate. This FOIA request will enable the public and their advocates to better understand DOE activities.

**3. The contribution of an understanding by the general public of the subject likely to result from disclosure (i.e., the requestor must have the ability and intention to disseminate this information to the public).**

NIRS is qualified to make use of the requested information, and the means to disseminate it widely to the general public. NIRS’s staff has demonstrated the ability to accurately interpret information about nuclear technology and government operations and to communicate that information in a form comprehensible to the general public. The organization is often cited as a reliable source of information in electronic and print media including newspapers such the *Washington Post* and the *New York Time*, as well as syndicated news sources like Reuters and the Associated Press. NIRS is also recognized and utilized as a reliable source of information in a broad variety of electronic and broadcast media of television and radio. We have a working relationship with engineers, scientists, lawyers, academicians and other respected professionals who contribute to the full understanding of the policy debate on energy and environmental policy and technology.

NIRS serves to inform the public on energy and environmental issues, and we do so through a variety of means. NIRS is a co-publisher of the *Nuclear Monitor*, which publishes 20 editions per year, and has thousands of subscribers. NIRS also maintains a website that is recognized as a vital resource for information on nuclear energy issues, and we regularly disseminate information to the public through social media channels and direct communication with our supporters. NIRS also hosts telebriefings for the general public on important topics several times per year, recordings of which are available on the organization’s website.

**4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.**

NIRS will convey the information obtained through this request to the public, so that the general citizenry can be better informed. DOE plays a unique and central role in shaping both energy policy and development and commercialization of new technologies, and the operations and initiatives about which NIRS is seeking information have profound implications for the U.S.’s energy supply and the environment. Applications of civilian nuclear technology and their relationship to nuclear weapons proliferation have been a major foreign policy issue, for instance, in the ongoing debate over the Joint Comprehensive Plan of Action with Iran (the “Iran nuclear deal”), as well as the nuclear energy deal negotiations with Saudi Arabia. The information we are seeking to obtain will help to increase public understanding of the

relationship between DOE's technology research and development mission, the application and commercialization of technologies DOE has fostered, policymaking, and foreign relations.

Also, HALEU production technology will affect the feasibility of new nuclear reactor systems, the US's role in the international nuclear arena, and the nuclear arms control environment. The requested information will help the public understand the broader context and implications of the DOE's role and activities in advancing negotiations with the nation of Saudi Arabia for the development of nuclear energy, including associated transfers of technology, reportedly authorized under 10 CFR Part 810. The requested information is, therefore, essential to providing the public with an informed understanding of DOE's operations, and the connections between its domestic R&D programs and energy policy initiatives, and the agency's involvement in foreign policy matters.

Having established that "disclosure of the Information 'is in the Public Interest Because it is Likely to Contribute Significantly to Public Understanding of the Operations or Activities of the Government,'" 10 CFR 1004.9 also requires a finding that disclosure of the requested information "is Not Primarily in the Commercial Interest of the Requester." NIRS is a certified charitable non-profit educational organization, per Internal Revenue Service code 501(c)(3). The organization has no commercial interest in the requested information. The sole purpose for which we are seeking the information is to provide for public information and understanding of government operations.

I look forward to receiving your response within 20 working days, as required by the FOIA.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Judson". The signature is fluid and cursive, with the first name being the most prominent.

Timothy Judson  
Executive Director