Department of Energy
Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83415

May 7, 2009

Sven Berg
Post Register
P.O. Box 1800
Idaho Falls, ID 83401

SUBJECT: Response to Freedom of Information Act request from Sven Berg (OM-PA-09-019)

Dear Mr. Berg:
This letter is in response to your Freedom of Information Act (FOIA) request in which you asked for correspondence between Battelle Energy Alliance and the U.S. Department of Energy regarding proposed and potential changes to pension plans and early retirement protocol for Idaho National Laboratory employees.

We conducted a thorough search of our files and identified the following Battelle Energy Alliance document delivered to the Department of Energy that contains information responsive to your request:

- PLN-25010, Revision 1, Human Capital Management Plan

Within PLN-25010, Section 9.4.4, "Benefit Changes," is a list of changes that Battelle Energy Alliance is considering during 2009, 2010 and the future. The remainder of the document is withheld from release because it does not contain information responsive to your request, and also under FOIA Exemption 4. Exemption 4 exempts from mandatory public disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552 (b)(4); 10 C.F.R. § 1004.10(b)(4). In order to be withheld under Exemption 4, a document must contain either (a) trade secrets or (b) information that is commercial or financial, obtained from a person, and privileged or confidential. In this instance, the information requested is commercial information, which, if released, would cause substantial harm to the competitive position of the company. BEA has stated that release of this information would compromise BEA's ability to compete with other entities for employees with skills that are widely in demand by revealing its strategy to improve its position in the marketplace.

For these reasons, in compliance with the FOIA we are providing you with a portion of pages 20 and 21 of PLN-25010, "Human Capital Management Plan." I have enclosed these pages with this letter. If you seek more information on potential changes to Battelle Energy Alliance's pension plans and early retirement protocol for Idaho National Laboratory employees, I suggest you contact INL spokeswoman Nicole Stricker at 526-5955. Ms. Stricker is aware of your interest and told me that she would be glad to address your questions.

As the Authorizing and Denying Official, it is my duty to inform you of your right to appeal this document release determination to the Office of Hearings and Appeals within 30 days of receipt of this letter. The address for filing an appeal to this release determination is:

Office of Hearings and Appeals
U. S. Department of Energy
1000 Independence Avenue, SW Washington, DC 20585-1615

If you have any questions regarding this letter or the enclosure, please feel free to contact DOE-ID FOIA Officer Clayton Ogilvie at (208) 526-5190. If you file an appeal, please provide Mr. Ogilvie a copy of your appeal letter at the Idaho Falls address indicated at the top of this letter.

Sincerely,

Timothy B. Jackson
Acting FOIA Officer
DOE-ID