May 6, 2009

CCN 217273

Mr. Clayton Ogilvie
Freedom of Information Officer
U.S. Department of Energy
Idaho Operations Office (DOE-ID)
1955 Fremont Avenue
Idaho Falls, ID 83401-1214

SUBJECT: Contract No. DE-AC07-05ID14517 – Follow-up on Freedom of Information Act (FOIA) Request from Sven Berg of the Post Register

Dear Mr. Ogilvie:

This letter is in response to your request for more detailed information concerning what might be released in response to the request of Sven Berg of the Post Register 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 have identified the following documents as containing information responsive to this request:

- PLN-25010, Revision 1, Human Capital Management Plan
- Battelle Energy Alliance, LLC (BEA) 2009 Compensation Increase Plan
- Power Point presentation titled "Mission/Strategy Alignment"

Within PLN-25010, Section 9.4.4, "Benefit Changes," lists changes being considered for implementation during 2009, 2010, and the future, which includes the proposed elimination of the early retirement subsidy. Because that particular information (on pages 20 and 21 of PLN-25010) has been communicated to all BEA employees via an iNotes message, it is responsive to the request and may be released to Mr. Berg. However, we request that the remainder of PLN-25010 be withheld from release because (a) it does not contain any information that is responsive to the request, and (b) its release 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 (Exemption 4).

The 2009 Compensation Increase Plan contains (on page 31) the identical information described above in PLN-25010 and, as such, it is redundant. Therefore, we request that this document be withheld in its entirety pursuant to Exemption 4. In addition to the fact that none of the information in this Plan, other than page 31, is responsive to Mr. Berg's request, we cite Exemption 4 because this document contains details the release of which would significantly compromise BEA's competitive posture in the employment marketplace.

Finally, although the Power Point presentation also includes—in part—the releasable information discussed above, it is not a DOE record and is therefore not subject to the FOIA. The information in this presentation was informally made available to select DOE-ID personnel, but copies were not retained by those individuals.

In summary, we recommend that the redacted portions of pages 20 and 21 of PLN-25010, "Human Capital Management Plan," be released to Mr. Berg in response to his request. Both redacted and unredacted copies of those pages are enclosed for your use.

If DOE determines that any of the redacted information should be released, we request that we be notified in advance so that an appeal can be filed if deemed appropriate.

If you have questions or require further information, please contact Dale Claflin at 526-1199.

Sincerely,

Trudy K. Overlin

Trudy K. Overlin, Group Manager
Export Compliance

dcb

Enclosures

cc: w/o Enc.
J. Alvarez, INL, MS 3695
A. Clark, INL, MS 3695
D. E. Coburn, INL, MS 3406
A. J. Kraupp, DOE-ID, MS 1226
S. M. Olson, DOE-ID, MS 1240
L. A. Sehlke, INL, MS 3206

bcc: w/o Enc.
J. A. Dace, INL, MS 3112
M. J. Holubar, INL, MS 3204
D. T. Swanson, INL, MS 3899
INL Correspondence Control, MS 3108
D. J. Claflin Letter File
T. K. Overlin Letter File (TKO-FOIA-005-09), INL, MS 3108

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9.4.4 Benefit Changes

As a result, the benefit changes below are designed for strategic impact and enticement of employees and candidates with needs often beyond the norm. Enhancements are low cost but have the potential to attract those with needed skills.

Targeted for Implementation in 2009

- Total Compensation Statement
- Increased Travel Accident Insurance
- Health Line & Disease Management
- On-line Pension Calculator
- Service provider contract review
- Increased Well-Baby coverage

Proposed for 2010

- Unsubsidized post age 65 Medicare Supplemental Plan
- Active, age 65 Pension payments
- Roth 401(K)
- Enhanced Part-Time Benefits
- Elimination of the Defined Benefit Plan early retirement subsidy

Under Development for Future

- Increased FSA max to $5000
- PL Accrual Cap
- Domestic Partner Benefits
- Adoption Benefits