



Department of Energy

Washington, DC 20585

December 26, 2013

**MEMORANDUM FOR DAVID BOYD
DEPUTY DIRECTOR
OFFICE OF ACQUISITION AND PROJECT
MANAGEMENT**

FROM: DAVID W. GEISER 
DIRECTOR, OFFICE OF LEGACY MANAGEMENT

SUBJECT: Second Annual Post Competition Accountability Report –
Office of Legacy Management's High Performing Organization:
Fiscal Year (FY) 2013

On June 22, 2012, the Deputy Secretary transmitted the Office of Legacy Management's (LM) May 2012 proposal to the Office of Management and Budget (OMB) to sustain LM's high performance organization (HPO) designation for a second five year period (FY2012-16). The memo and proposal are attached.

While OMB has not yet formally approved the May 2012 HPO proposal they recommended, we start reporting on the new set of commitments and performance measures. We agree with this recommendation primarily because the previous reporting was based on commitments made in FY2007, most of which have either been met or are no longer relevant.

Thus, this memorandum transmits the second annual Post Competition Accountability Report (PCAR) associated with the May 2012 proposal. The proposal includes measures in two areas: Management Excellence and Program Performance. Under each area, we identified goals and actions using a structure that reflects the President's six key management strategies. Those strategies are: 1) driving top priorities; 2) cutting waste; 3) reforming contracting; 4) closing the IT gap; 5) promoting accountability and innovation through open government; and, 6) attracting, motivating and retaining top talent.

This annual PCAR is comprehensive; it includes a status of all the goals and actions contained in the May 2012 HPO proposal. We will continue to provide a quarterly report on a subset of the goals and actions that warrant more frequent reporting. Please let me know if you have any questions or concerns about the reporting structure or the contents of this report.

Attachment








**U.S. Department of Energy, Office of Legacy Management
Post Competition Accountability Report: High Performing Organization Proposal May 2012**

This report serves as an official record of the annual cost, personnel, and performance information for the Office of Legacy Management to satisfy the post competition accountability requirements.

Reporting Period: Fiscal Years (FY) 2012 – 2016






FY2013 Annual Report












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Management Excellence Goals						
Driving Top Priorities	Target	FY2012	FY2013	FY2014	FY2015	FY2016
1. Achieve EMS/Sustainability Goals (normalized to the number of legacy sites). Be a leader among DOE offices in sustainability.*	Annual	✓	✓			
2. Publish Post Competition Accountability Report on the LM internet.	Quarterly	→	✓			
3. Conduct independent evaluations of key programs, projects, or technical issues by goal using external auditors.	Annual	✓	✓			
4. Augment LM Federal staff through the use of intra- and inter-agency agreements.	Annual	✓	✓			
Cutting Waste (Improving Efficiency)	Target	FY2012	FY2013	FY2014	FY2015	FY2016
5. Transfer workforce restructuring policy and oversight to the DOE Office of Management.	FY2013	→	■			
6. Manage increases in scope by raising Federal staff levels by 1 FTE per year to a total of 64 in FY2016.	FY2016	57	56			
7. Limit program direction increases to levels allowed by OMB for inflation.	Annual	✓	✓			
8. Maintain LM's average grade level at GS 13.0.	Annual	13.09	12.67			
9. Close the LM Federal office in Las Vegas.	FY2013	■				
Reform Contracting	Target	FY2012	FY2013	FY2014	FY2015	FY2016
10. Procure a 5-year, small business, performance-based incentive contract for environmental surveillance and maintenance, records management and property reuse.	1Q, FY2013	↓	↓			
11. Certify all LM task and sub-task monitors are Level II CORs and trained on new contract requirements.	March 2013	→	■			

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Closing the IT Gap	Target	FY2012	FY2013	FY2014	FY2015	FY2016
12. Increase telework by 20%, enhance security and reduce LM's carbon footprint by switching desktop computers to laptops with docking stations.	FY2012					
Promoting Accountability and Innovation Through Open Government	Target	FY2012	FY2013	FY2014	FY2015	FY2016
13. Maintain a safety record better than the DOE average.	Annual					
14. Baseline stakeholder satisfaction with LM performance in FY2012; improve satisfaction level by 10% in FY2015.	FY2015					
Attracting, Motivating and Retaining Top Talent	Target	FY2012	FY2013	FY2014	FY2015	FY2016
15. Score ≥5% above the DOE average on the annual OPM Federal Employee Viewpoint Survey.*	Annual	10%	9%			
16. Maintain LM as one of the most diverse and inclusive organizations in DOE.*	Annual					
17. Complete implementation of ≥90% of the actions identified in the LM 2011-15 HCMP.	Annual					
18. Eliminate non-supervisory GS-15 positions. Transfer salary and grade 'room' to expand the number of career ladders to the GS-14 level.	FY2016					

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Management Excellence Goals Narrative and Reference Documents

Driving Top Priorities

1. Upon review, LM is providing clarification of the goal: “Achieve and maintain a satisfactory or excellent rating for each normalized element of the seven goals as measured on the “LM Sustainability Goal Summary”. LM met or exceeded this goal. Based on our normalized data, LM achieved excellent ratings on eight goals, a satisfactory rating on one goal, and no improvement required for any goals.

The one satisfactory rating is based on the following sub-goal: “Individual-building metering for 90% of electricity (by October 1, 2012); for 90% of steam, natural gas, and chilled water (by October 1, 2015)”. Explanation of rating: LM had been misinterpreting this goal and had only been including buildings in previous electricity metering metrics. The goal actually pertains to electricity metering for buildings *and* processes (ex. water treatment systems). LM meters 100% of qualified buildings, according to EAct 2005, for electricity, but we are behind on individual metering of processes. Looking forward, the installation of well-field metering at Fernald by mid-2014 will result in 72.7% of buildings and processes being individually metered. Other planned activities should result in 99.1% of buildings and processes being individually metered by 2015.

The HPO/sustainability stoplight table documents the ratings for each of the seven goals. Full documentation is available in the LM Annual Site Sustainability Plan.

2. The Post Competition Accountability Report (PCAR) is available on the LM website at: www.lm.doe.gov.

3. LM had scheduled an independent audit of Goal 3 during FY2013. The scope of the audit was a review of LM’s efforts to support contractor requests to terminate pension plans through the purchase of insurance company annuities. This audit will effectively occur as the Pension Benefit Guaranty Corporation (PBGC) and the Internal Revenue Service (IRS) review the Mission Support Alliance (MSA) request to terminate the Fernald pension plan. In addition, LM work on the Navajo Nation was reviewed by the General Accountability Office and LM’s Yucca Mountain records and information management efforts were reviewed by the Nuclear Waste Technical Review Board.

4. LM uses intra- and inter-agency agreements to perform work. These agreements include: the Environmental Management Consolidated Business Center (EM CBC) for field site legal services, records classification, quality assurance, and realty support; the General Services Administration (GSA) for realty services; and, the US Army Corps of Engineers (COE) for realty services and independent government cost estimates (IGCEs).

Cutting Waste (Improving Efficiency)

5. On May 5, 2011, the Secretary issued a guidance memorandum regarding contractor workforce restructuring; that memorandum did not assign any future actions or authorities to LM. None the less, LM was still responsible for three functions in this area: (1) preparing an annual report to Congress; (2) maintaining the Work Force Information System (WFIS); and, (3) managing the Jobs Opportunity Bulletin Board System (JOBBS).

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At the Department's request, the Congress repealed the requirement, in the National Defense Authorization Act for Fiscal Year 2013, for an annual workforce restructuring report. Based on the repeal and following discussions with the DOE Offices of Management, General Counsel, Economic Impact and Diversity, and the Chief Financial Officer, LM terminated operation of the WFIS. LM's other workforce restructuring responsibility, JOBBS, was discontinued on September 20, 2012.

6. LM ended FY2013 with 56 federal employees; 5 below the allowed staffing level. Staffing levels are tracked in the DOE INFO system. Note: LM had proposed an increase by 1 FTE each year beginning in FY2013 to reach a total of 64 in FY2016. Staffing levels were kept below the authorized level due to significant reductions in Program Direction funding associated with the FY 2013 sequestration.
7. LM's FY2013 budget request for Program Direction met this requirement (see the LM FY2013 OMB Budget Request).
8. LM is currently below the maximum grade level of 13.0 by 0.33. LM Human Resources (HR) maintains an internal spreadsheet to maintain status of grade levels. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management.
9. The Las Vegas, NV office was closed in September 2012 and LM terminated the lease for office space.

Reform Contracting

10. The 5-year, small business, performance-based incentive contract was originally awarded on April 5, 2013. However, due to protests the Department took corrective action and the Source Evaluation Board (SEB) re-evaluated the proposals and submitted a revised report. A new award date is expected the second quarter in FY2014.
11. In accordance with Acquisition Career Manager Guidance and FAC-COR revisions issued by the Office of Federal Procurement Policy (effective January 1, 2012), task and sub-task monitors will not be issued COR certification. LM will continue to train task and sub-task monitors on new contract requirements and encourage COR training in compliance with the certification requirements. The revised goal consistent with the new procurement policy will be: "Ensure LM staff has the proper training to meet contract administration requirements". This goal includes grants and cooperative agreements and any required TPO training and certification. All LM personnel attended a contract training session at the FY2013 All Hands Training. Additional technical project officer (TPO) training was held October 28 through November 1, 2013.

Closing the IT Gap

12. 100% of LM employees received a laptop in 2012. Note: A mandatory telework day, for all non-supervisors, was conducted on November 28, 2012.

Promoting Accountability and Innovation Through Government

13. LM reports our OSHA Recordable Injury Case Rate presentation to DOE on a quarterly basis via the Computerized Accident/Incident Reporting System (CAIRS). LM's rate is below the OSHA Standards for Federal agencies for reportable injuries/illnesses caused by work as well as below the DOE average for reportable incidents for all 12 months in FY2013. Safety information is documented within the quarterly LMS Program Review presentation for Goals 1 and 4. Current

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reporting is: 96,524 safe work hours since our last recordable incident and the rolling 12 month recordable case rate if 0.3 to 1 recordable/672,179 hours.

The S.M. Stoller Corporation Legacy Management Support (LMS) Team was awarded the Voluntary Protection Program (VPP) Star of Excellence on August 25, 2013. VPP promotes safety and health excellence through cooperative efforts among employees, management, and DOE. The Star of Excellence is awarded to those companies that achieved reporting injury rates and lost workday injury rates that are at least 75% below the Bureau of Labor Statistics national average within the industry. Star of Excellence award winners also demonstrate significant VPP mentoring and community outreach efforts. The LMS Team received this award in their first year of VPP eligibility.

14. LM used a survey to establish a baseline for stakeholder satisfaction in FY2012. This baseline will be compared to a similar survey that will be conducted in FY2015.

Attracting, Motivating and Retaining Top Talent

15. LM averaged 9 percentage points above the DOE average in the OPM Federal Employee Viewpoint Survey (FEVS) conducted in 2013. With an 88% employee participation rate in 2013, LM believes the survey results are an accurate reflection of our employees' viewpoint.

16. LM finalized our Diversity and Inclusion (D & I) Implementation Plan on October 1, 2013. LM scored, on average, 4.8% above DOE in the three questions related to diversity and inclusion in the 2013 OPM FEVS. In addition, per the DOE Information System, LM is, on average, more diverse than the Department.

LM HR has combined historical, diversity, and retirement data into one spreadsheet.

17. All HCMP actions are tracked and updated quarterly by the HR Team. LM has implemented over 90% of our FY2013 HCMP actions. Senior management reviews the HCMP actions quarterly. Leadership competencies and knowledge management actions for FY2013 will be continued in FY2014.

18. At the end of FY2013, LM was down to 4 non-supervisory GS-15s; 2 GS-15s retired in FY2013 and 2 more plan to retire in FY2014. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management. LM HR has combined historical, diversity and retirement data into one spreadsheet.

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Program Performance Goals						
Driving Top Priorities	Target	FY2012	FY2013	FY2014	FY2015	FY2016
1. Increase LM site responsibility from 87 to 109 (sites transferred from DOE/EM, the USACE, and private licensees under UMTRCA Title II). [Goal 1]	FY2016	89	90			
2. Increase the number of records from 86K to 110K cubic feet. [Goal 2]	FY2012	111	114.7			
3. Increase the number of terabytes of data from 26 to 107. [Goal 2]	FY2012	133	199.5			
4. Transfer Title X Program inspection and reporting functions from EM to LM. [Goal 4]	FY2012	■				
5. Transfer the Title X Program from EM to LM upon OMB and Congressional approval. [Goal 4]	FY2015	○	○			
6. Complete analysis of LM management of ongoing mission sites with large 'footprint' reductions (e.g. Hanford and Savannah River). [Goal 1]	FY2013	→	↓			
7. Implement the Grants Mining District five-year plan. [Goal 1]	FY2015	→	→			
8. Renew and implement the first four years of the 2 nd Five-Year Plan for addressing uranium contamination on the Navajo Nation. [Goal 1]	FY2017	○	○			
9. Maintain compliance with environmental laws and regulations. [Goal 1]	Annual	✓	✓			
10. Dispose of five additional Federal properties. [Goal 4]	FY2016	1	0			
11. Increase Federal properties in reuse from 21% to 39% by FY2016. [Goal 4]	FY2016	31%	32%			
Cutting Waste (Improving Efficiency)	Target	FY2012	FY2013	FY2014	FY2015	FY2016
12. Reduce the cost of long-term surveillance and maintenance by 2% per year based on an independently reviewed baseline. [Goal 1]	Annual	11%	12%			
13. Reduce the cost of managing records and information by 3% per year on a cubic foot and terabyte basis. [Goal 2]	Annual	→	3.7%			
14. Eliminate closure site pension liability through the purchase of annuities. [Goal 3]	FY2015	→	→			
15. Eliminate the Annual Report to Congress on workforce restructuring. [Goal 3]	FY2013	→	■			

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16. Audit medical reimbursements for improper payments on a rotating basis. [Goal 3]	Annual					
Reform Contracting						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
17. Receive and transfer to the U.S. Treasury \$10 million in Title II fees. [Goal 4]	FY2016	\$0	\$0			
18. Complete Uranium Leasing Program EIS. Receive and transfer to the U.S. Treasury a minimum of \$500 thousand per year in royalties. [Goal 4]	Annual	\$0	\$0			
Closing the IT Gap						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
19. Update or archive the LSN based on final non-appealable court order. [Goal 2]	FY2014					
Promoting Accountability and Innovation Through Open Government						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
20. Establish uranium mining reclamation national standard and contribute to IAEA mine and mill site remediation and management guidance. [Goals 1 & 4]	FY2014					

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Program Performance Goals Narrative and Reference Documents

Driving Top Priorities

1. LM maintains the LM Site Management Guide which is updated on an annual basis. LM assumed DOE's stewardship responsibility for the General Electric Vallecitos Nuclear Center (GEVNC), CA site in FY2013. At the end of FY2013 LM was responsible for 90 sites.
2. LM utilizes an electronic record keeping system to track all its records. LM met the goal in FY2012 and continues to exceed the goal in FY2013 with 114,720 cubic feet of physical records and 6.12M electronic records on September 30, 2013. Record volumes are tracked in LM's electronic recordkeeping systems, Documentum and OmniRim, and the Yucca Mountain Record Information System (RIS). The records volume information as of September 30, 2013 was obtained from these systems.
3. LM maintains an inventory of its electronic data. Total electronic data includes all information stored on the LM servers (e.g. employee work files, site files, electronic records, etc.). LM met this goal in FY2012 and continues to exceed the goal in FY2013 with 199.5 terabytes of electronic data as of September 30, 2013. The volume of electronic data managed by LM is tracked and reported monthly in the Archives and Information Management technical status report. The September 30, 2013, electronic data volume was retrieved from the October, 2013 technical status report.
4. LM took responsibility for the audit and reporting functions for the Title X program on May 17, 2011. A joint memorandum was established between Environmental Management (EM) and LM.
5. LM and EM have not reached agreement on the transfer of the remaining functions under the Title X program. A transfer was not proposed in the FY2015 OMB budget request.
6. LM, EM and the National Nuclear Security Administration (NNSA) have started an analysis of management options; however, the analysis was not completed in FY2013 due to a resource shift required to meet an unanticipated requirement to develop a Congressional report. Analysis will be completed in late FY2014.
7. LM currently participates as a member of a multi-agency effort to address the impacts of uranium mining in the Grants Mining District (see the Assessment of Health and Environmental Impacts of Uranium Mining and Milling Five-Year Grants Mining District, New Mexico, August, 2010). LM attends periodic meetings with participating agencies (see June, 2013 Progress Report).
8. LM participates as a member of a multi-agency effort to address the impacts of uranium mining on the Navajo Nation. A report on the first five-year plan was issued on schedule to Congress in January, 2013. The second five-year plan is being written by the multi-agency working group and is expected to be issued in April, 2014. EPA is the lead agency for the five-year plan. The April, 2014 date is a delay of at least a year from the original EPA schedule. LM is continuing to work with EPA and the other Federal agencies to draft our sections and 'renew' the plan to be issued April, 2014.

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9. LM is currently in compliance with environmental laws and regulations. See the LMS FY2013 4th Quarter Performance Assurance Summary and Performance Measurement Manager (PMM) database.

10. LM did not complete any dispositions during FY2013. However, several dispositions are currently in process: parcels at the Monticello, Utah, Site; the Spook, Wyoming, Site; the Gnome-Coach, New Mexico, Site; and, at a minimum, three parcels at the Rocky Flats, Colorado, Site. Several of these parcels are nearing completion for disposition and are now scheduled to be completed in FY2014. In addition, LM has added an additional parcel at the Rocky Flats, Colorado, Site anticipated for disposition in 2014.

11. LM currently has 32% of our sites in reuse. LM is on track for increasing the percentage of properties in reuse to 39% by FY2016 (see Reuse Tracking spreadsheet).

Cutting Waste (Improving Efficiency)

12. LM exceeded the goal for reducing the cost of long-term surveillance and maintenance in FY2013 (see the PMM database and the LMS Report of Cost Savings October, 2013).

13. LM established baselines in FY2013 which includes record data. These efficiency numbers are measured against the physical record material (in boxes (\$/ft³) and in electronic record data (\$/terabyte), which is a subset of all of LM's electronic data. Yucca Mountain records and information costs were excluded from the baseline calculations. The IT Program showed a 0.5% decrease in \$/per record terabyte and a 6.87% decrease in \$/ft³ records costs. On average, Goal 2 is exceeding the 3% goal, but LM is striving to meet the 3% reduction in both areas. Both the IT and the records programs are well positioned for future reductions.

14. In FY2013, ~3,000 deferred vested annuitants (retirees not yet eligible to receive pension payments) from the Rocky Flats site were offered a cash buyout or annuity in lieu of future pension payments. 1,720 of those annuitants elected to take either the cash (~1,660) or the annuity (~60). This reduced pension plan liability (and assets) by ~\$60M or roughly 10% of the pension plan value. This reduces future budget uncertainty and will facilitate the contractor's action to annuitize the plan.

In FY2013, Mission Support Alliance began the process to terminate the Fernald pension plan through lump sum buyouts and purchase of insurance company annuities. In addition, USA Repository Services' (USARS) proposed to annuitize the Yucca Mountain pension plan.

15. The FY2013 National Defense Authorization Act eliminated the Annual Report to Congress on workforce restructuring .

16. Audits of the post-retirement benefits (e.g. health insurance) plans covering the retirees from the Fernald and Pinellas sites were completed during FY2013. The Washington River Protection Solutions, LLC (WRPS) Rocky Flats and Mound provided two reports in response to the DOE Contractor Other Postretirement Benefits Management Plan Information Request. These reports state the best projection of the benefit payments from the Plans for which it expects to be reimbursed, beginning with the benefit payments for FY2013. These reports also state the actions performed during the year to maximize cost savings which includes the review of payments and coverage.

Reform Contracting

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17. LM did not receive any Title II sites in FY2013; therefore, no fees were received or transferred. However, we anticipate the transfer of eight Title II sites in the next three years.

18. On October 18, 2011, the U.S. District Court of Colorado issued an Order in which it held, among other things, that DOE had violated NEPA by issuing its July, 2007 PEA and FONSI instead of issuing an EIS. DOE issued a Notice of Intent (NOI) to prepare the ULP PEIS in the Federal Register on June 21, 2011, and a supplemental notice was issued on July 21, 2011, to announce the four public scoping meetings and their locations and to announce the extension of the public scoping period to September 9, 2011. Throughout FY2012, LM continued preparing the Draft ULP PEIS. In FY2013 LM completed the draft PEIS, completed four public meetings, completed the public comment period on the Draft ULP PEIS and made significant progress on comment resolution and development of the Final PEIS. LM expects to complete the Final PEIS and Record of Decision during FY2014.

Closing IT Gap

19. A final non-appealable court order has not been issued.

Promoting Accountability and Innovation Through Open Government

20. In July, 2013, the International Atomic Energy Agency (IAEA) sponsored and paid for a LM consultation in Vienna to assist in the initial planning for an IAEA Technical Document to provide guidance to countries needing to reduce health risks at small abandoned uranium mines. LM drafted a case study of the detailed technical processes used for reclaiming small abandoned uranium mines on DOE uranium lease tracts in the U.S. In addition, LM helped IAEA create the draft outline for the Technical Document, plan the next consultancy visit and objectives, and advised on other countries that may have case studies to share. The initial consultation included the U. S., represented by LM; and a representative from Wismut in Germany. The consultation resulted in both representatives being asked to return in November 2013, to continue the planning process with IAEA. As funding for this IAEA effort extends through FY2015, it is likely LM will support the IAEA during visits to some of the specific countries requesting this type of support.

Congress directed DOE to prepare a report on defense-related uranium mines; the Report is due July 2014. Congressional language requires the Secretary of Energy, in consultation with the Secretary of the Interior (DOI) and the Administrator of EPA, to undertake a review of, and prepare a report on, abandoned uranium mines (AUM) in the US that provided uranium ore for atomic energy defense activities. The language also required consultation with affected states and tribes, and the interested public. To date we have worked closely with multiple federal agencies as well as state and tribal Abandoned Mine Lands (AML) programs.