

# **Department of Energy**

Washington, DC 20585

December 30, 2014

MEMORANDUM FOR PATRICK M. FERRARO

**DEPUTY DIRECTOR** 

OFFICE OF ACQUISITION AND PROJECT

**MANAGEMENT** 

FROM:

DAVID W. GEISER

DIRECTOR, OFFICE OF LEGACY MANAGEMENT

SUBJECT:

Third Annual Post Competition Accountability Report –

Office of Legacy Management's High Performing Organization for

Fiscal Year (FY) 2014

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 (FY2012-2016).

This memorandum transmits the third 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.

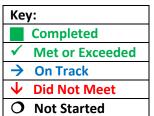
Attachments

### 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

# **FY2014 Annual Report**



|   |            |               |          |        |        | <u>_</u> |
|---|------------|---------------|----------|--------|--------|----------|
| Management Excellence Goals   | <u> </u>   |               |          |        |        |          |
|   |            |               |          |        |        |          |
| Driving Top Priorities  | Target     | FY2012        | FY2013   | FY2014 | FY2015 | FY2016   |
| <ol> <li>Achieve EMS/Sustainability Goals (normalized to the number of legacy sites). Be a leader<br/>among DOE offices in sustainability.*</li> </ol>            | Annual     | ✓             | ✓        | ✓      |        |          |
| 2. Publish Post Competition Accountability Report on the LM internet.   | Quarterly  | $\rightarrow$ | ✓        | ✓      |        |          |
| 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     | $\rightarrow$ |          |        |        |          |
| 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       | 51     |        |          |
| 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    | 12.64  |        |          |
| 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 | Ψ             | <b>y</b> | Ψ      |        |          |
| 11. Certify all LM task and sub-task monitors are Level II CORs and trained on new contract requirements.   | March 2013 | <b>→</b>      |          |        |        |          |

## Post Competition Accountability Report: High Performing Organization Proposal May 2012

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| Key             | <b>/</b> :      |
|-----------------|-----------------|
|                 | Completed       |
| <b>√</b>        | Met or Exceeded |
| $\rightarrow$   | On Track        |
| $\mathbf{\Psi}$ | Did Not Meet    |
| 0               | Not Started     |

| 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 |          |          |               |        |        |
|  |        |          | 1        |               |        | 1      |
| Promoting Accountability and Innovation Through Open Government  |        | FY2012   | FY2013   | FY2014        | FY2015 | FY2016 |
| 13. Maintain a safety record better than the DOE average.  | Annual | ✓        | ✓        | <b>→</b>      |        |        |
| 14. Baseline stakeholder satisfaction with LM performance in FY 2012; improve satisfaction level by 10% in FY2015.                               | FY2015 | <b>→</b> | <b>→</b> | <b>→</b>      |        |        |
|  |        |          |          |               |        |        |
| 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%           |        |        |
| 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 | ✓        | ✓        | $\rightarrow$ |        |        |
| 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 | <b>→</b> | <b>→</b> | <b>→</b>      |        |        |

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Reporting Period: Fiscal Years (FY) 2012 – 2016

# **FY2014 Annual Report**

### **Management Excellence Goals Narrative and Reference Documents**

### **Driving Top Priorities**

- 1. Previously, LM clarified this 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" (see enclosed). (Note: DOE has added additional sustainability goals since 2012; there are now 10 goals and we are measuring ourselves against all 10 goals.) LM met or exceeded this goal. Based on our normalized data, LM achieved:
  - Excellent ratings on nine sustainability goals, and
  - A satisfactory rating on one sustainability goal.

None of the sustainability goals required improvement.

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)". 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 (e.g., water treatment systems). LM had metered 100% of qualified buildings prior to 2013. LM's percentages increased after installing well-field metering at Fernald in mid-2014. However, LM must monitor them for a year before LM can include them in the metering data. Once the year of monitoring is completed, LM will have 99.1% of buildings and processes individually metered.

The HPO/sustainability stoplight table documents the ratings for each of the ten goals. Full documentation is available in the LM Annual Site Sustainability Plan. (see enclosed LM Site Sustainability Plan, December 2014; Executive Summary. The document will be made available upon request).

- 2. The Post Competition Accountability Report (PCAR) is available on the LM website at: www.lm.doe.gov.
- 3. During FY 2014 LM scheduled three independent evaluations. Even though the following three evaluations are not external to DOE they are external to LM.
  - a. LM scheduled an independent assessment of the Illness and Injury Reporting Process for LM. LM asked the DOE Office of Environment, Health, Safety, and Security (EHSS) to conduct the assessment (see enclosed). The purpose of the assessment was to evaluate occupational injury and illness recordkeeping and reporting practices associated with both Federal and contractor activities.
  - b. LM requested the Environmental Management Consolidated Business Center (EMCBC) conduct a review of the Cooperative Agreement with the Northern Arapahoe Business Council to determine if invoiced costs were verifiable and allowable (see enclosed).
  - c. LM requested that the Savannah River National Laboratory (SRNL) provide independent technical experts to evaluate the effectiveness of ongoing remediation and monitoring activities at UMTRCA Title I sites with

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contaminated groundwater. Two representative UMTRCA sites were chosen for review, specifically Tuba City, AZ, an example of active remedial site, and Gunnison, CO as an example of a natural flushing site (see enclosed: Executive Summary for the Independent Technical Review of the Department of Energy Office of Legacy Management UMTRCA Groundwater Program, September, 2013).

Also during FY 2014 the DOE Office of Inspector General audited LM's long-term surveillance and maintenance of UMTRCA Title II sites (see enclosed Audit Report: Management of Long-Term Surveillance and Maintenance of Uranium Mill Tailings Radiation Control Act of 1978 Title II Sites, October 2014). The purpose of the audit was to determine whether LM had effectively managed the long-term surveillance and maintenance of Title II sites.

4. LM utilizes intra- and inter-agency agreements to perform work. These agreements include: the Environmental Management Consolidated Business Center (EMCBC) for field site legal services, records classification, quality assurance, and realty support; the General Services Administration (GSA) for realty services; the Office of Science for support with two (2) Colorado inactive former uranium milling sites; and, the Bureau of Land Management (BLM) for land withdrawal applications and mineral potential reports. (see enclosed Agreements).

### <u>Cutting Waste (Improving Efficiency)</u>

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. Nonetheless, 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).

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 FY2014 with 51 federal employees; 11 below the allowed staffing level. Staffing levels are tracked in the DOE INFO system. Note: LM had proposed an increase of 1 FTE each year beginning in FY2013 to reach a total of 64 in FY2016. Five additional staff have been hired, and will report on duty during <u>calendar</u> year 2014. This will bring our staffing level to 56, which is 6 below the allowed staffing level.
- 7. LM's FY2014 budget request for Program Direction met this requirement (see the LM FY2014 Congressional Justification).
- 8. LM is currently below the maximum grade level of 13.0 by 0.36. LM Human Resources (HR) maintains an internal Excel spreadsheet that calculates average grade levels on a monthly basis. 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. This action is complete.

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### **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. Several protests to the award were filed and GAO upheld one protest. As a result, the Department again reevaluated the proposals and is in the process of making a new award decision.
- 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 certifications. 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 Technical Program Officers (TPO) training and certification. LM provided tailored COR training in Morgantown, WV, from August 19-21, 2014 and in Grand Junction, CO, on August 26-28, 2014. Forty-two (42) LM employees attended this training: 16 LM employees in Morgantown and 26 employees in Grand Junction. Additionally, a separate training course was provided to the LM Managers in Westminster, CO. All eleven (11) LM Managers attended this training session.

#### Closing the IT Gap

12. All LM employees received a laptop in 2012. All new LM employees are issued laptops. A mandatory telework day, for all non-supervisors, was conducted on June 18, 2014.

#### Promoting Accountability and Innovation Through Government

- 13. LMS was at or above the DOE average during FY 2014. The OSHA Total Recordable Injury/Illness Case Rate is reported quarterly by use of the DOE Computerized Accident/Incident Reporting System (CAIRS). Injury/Illness Case Rates for LM are communicated quarterly at the monthly Goals 1 and 4 LMS Program Review and bi-annually during the Safety Program Management Review presentation to their Senior Management and Quarterly in the LM Post Competition Accountability Report. Current reporting is: 216,102 safe work hours since the last recordable incident and 408,419 safe work hours since the last lost time incident. The current rolling 12 month recordable case rate is 0.9 with 3 recordables in the last 692,452 hours.
- The S.M. Stoller Corporation Legacy Management Support (LMS) Team was awarded the DOE Voluntary Protection Program (VPP) Superior Star Award on August 24, 2014. 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 conducted a survey in FY 2012 to establish a baseline for stakeholder satisfaction. This survey will be used to compare results obtained in future surveys to measure satisfaction levels. LM will conduct its next survey in FY 2015.

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### Attracting, Motivating and Retaining Top Talent

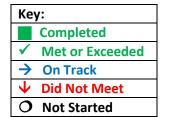
- 15. LM averaged over 16% points above the DOE average in the OPM Federal Employee Viewpoint Survey (FEVS) conducted in 2014. With a 92% employee participation rate in 2014, LM believes the survey results are an accurate reflection of our employees' viewpoint.
- 16. LM finalized our Diversity and Inclusion (D & I) Implementation Plan on October 1, 2013. LM scored, on average, 10% above DOE in the three questions related to diversity and inclusion in the 2014 OPM FEVS. In addition, per the DOE Information System, LM is, on average, more diverse than the Department. LM HR maintains combined diversity data in a historical Excel spreadsheet.
- 17. All HCMP actions are tracked and updated quarterly by the LM HR Team. LM has completed the remaining FY2013 milestones in the HCMP and implemented over 75% of our FY2014 HCMP actions. Senior management reviews the HCMP actions quarterly. FY 2014 leadership competencies and knowledge management actions for FY2014 will be continued in FY2015.
- 18. LM had two non-supervisory GS-15s retire in FY2014. At the end of FY2014 there were two non-supervisory GS-15s. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management. LM HR maintains combined retirement data in a historical Excel spreadsheet.

### Post Competition Accountability Report: High Performing Organization Proposal May 2012

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# **FY2014 Annual Report**



| Program Performance Goals   |        |               |               |               |        |        |
|---|--------|---------------|---------------|---------------|--------|--------|
| Driving Top Priorities  | Target | FY2012        | FY2013        | FY2014        | FY2015 | FY2016 |
| 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            | 89            |        |        |
| 2. Increase the number of records from 86K to 110K cubic feet. [Goal 2]   | FY2012 | 111           | 114.7         | 114.0         |        |        |
| 3. Increase the number of terabytes of data from 26 to 107. [Goal 2]  | FY2012 | 133           | 199.5         | 244.1         |        |        |
| 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 | 0             | 0             | 0             |        |        |
| 6. Complete analysis of LM management of ongoing mission sites with large 'footprint' reductions (e.g. Hanford and Savannah River). [Goal 1]          | FY2013 | <b>→</b>      | <b>4</b>      | Ψ             |        |        |
| 7. Implement the Grants Mining District five-year plan. [Goal 1]  | FY2015 | $\rightarrow$ | $\rightarrow$ | $\rightarrow$ |        |        |
| 8. Renew and implement the first four years of the 2 <sup>nd</sup> Five-Year Plan for addressing uranium contamination on the Navajo Nation. [Goal 1] | FY2017 | 0             | 0             | <b>→</b>      |        |        |
| 9. Maintain compliance with environmental laws and regulations. [Goal 1]  | Annual | ✓             | ✓             | ✓             |        |        |
| 10. Dispose of five additional Federal properties. [Goal 4]   | FY2016 | 1             | 0             | 4             |        |        |
| 11. Increase Federal properties in reuse from 21% to 39% by FY2016. [Goal 4]  | FY2016 | 31%           | 32%           | 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%           | 7.9%          |        |        |
| 13. Reduce the cost of managing records and information by 3% per year on a cubic foot and terabyte basis. [Goal 2]                                   | Annual | <b>→</b>      | 3.7%          | 4.9%          |        |        |
| 14. Eliminate closure site pension liability through the purchase of annuities. [Goal 3]  | FY2015 | <b>→</b>      | $\rightarrow$ | <b>→</b>      |        |        |
| 15. Eliminate the Annual Report to Congress on workforce restructuring. [Goal 3]  | FY2013 | $\rightarrow$ |               |               | •      |        |

## Post Competition Accountability Report: High Performing Organization Proposal May 2012

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| Key:          |                 |  |  |  |  |  |  |
|---------------|-----------------|--|--|--|--|--|--|
|               | Completed       |  |  |  |  |  |  |
| <b>√</b>      | Met or Exceeded |  |  |  |  |  |  |
| $\rightarrow$ | On Track        |  |  |  |  |  |  |
| <b>→</b>      | Did Not Meet    |  |  |  |  |  |  |
| 0             | Not Started     |  |  |  |  |  |  |

| 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      | \$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      | \$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]   |        | 0        | 0        | 0        |        |        |
|   |        |          |          |          |        |        |
| 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 | <b>→</b> | <b>→</b> | <b>→</b> |        |        |

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Reporting Period: Fiscal Years (FY) 2012 - 2016

# **FY2014 Annual Report**

#### **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 began FY2014 with 90 sites; however, DOE referred the Middlesex North, NJ site to the USACE for additional remediation. USACE designated the site as an active FUSRAP site on January 6, 2014. This reduced LM's site responsibility to 89 sites. The site is currently scheduled to transfer back to LM for LTS&M in 2021. In addition, 3 UMTRCA Title II sites that were scheduled to transfer during FY 2014 have been delayed.
- 2. LM uses an electronic record keeping system to track its records. LM met the goal in FY 2012 and continues to exceed the goal. In FY2014, LM's paper record volume was 113,972 cubic feet.
- 3. LM maintains an inventory of its electronic data. Total electronic data includes all information stored on LM servers (e.g. employee work files, site files, electronic records, etc.). LM continues to exceed the goal in FY2014 with 244.1 terabytes of electronic data as of September 30, 2014.
- 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 FY2016 OMB budget request.
- 6. LM, EM and the National Nuclear Security Administration (NNSA) started an analysis of management options; however, the analysis was not completed in FY2014 due to a resource shift needed to meet an unanticipated requirement to develop a Congressional report. Analysis will be completed in FY2015.
- 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.
- 8. LM participates as a member of a multi-agency effort to address the impacts of uranium contamination 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 was issued as a working draft by EPA, the lead agency, in September 2014. LM is continuing to work with EPA and the other Federal agencies to implement the actions in the plan. A GAO Audit Report issued in May 2014, identified that a significant amount of work had been conducted to address immediate concerns identified at the sites. However, they also identified that more work needs to be performed. The Auditors generally agreed in principle with the response that DOE provided for the "Matter for Congressional Consideration; however, it was noted that several areas for improvement need to occur. One such area was "defining and agreeing on the agencies' respective roles and responsibilities". DOE remains an active member of this multi-agency effort. (see enclosed: Final Response to GAO Report on Navajo Nation 5-Year Report, June 2014).

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- 9. LM is currently in compliance with environmental laws and regulations. See the FY 2014 LMS 4<sup>th</sup> Quarter Performance Assurance Summary and Performance Measurement Manager (PMM) database.
- 10. LM completed 4 disposals during FY2014. These included the final parcel at the Monticello, Utah, Site; and the transfer of six parcels (three of them counting as one property disposal) to the U.S. Fish and Wildlife Service at the Rocky Flats, Colorado, Site. Work is underway to dispose of a parcel at the Spook, Wyoming, Site and to relinquish parts of two land withdrawals at the Gnome, New Mexico, Site and the Rio Blanco, Colorado, Site.
- 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 enclosed Reuse Tracking spreadsheet).

#### **Cutting Waste (Improving Efficiency)**

- 12. LM exceeded the goal for reducing the cost of long-term surveillance and maintenance in FY2014 (see enclosed portions of PMM Status).
- 13. LM established baselines in FY 2012 which includes records and electronic 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. LM showed a 0.8% increase in \$/per record terabyte and a 5.7% decrease in \$/ft³ records costs. On average, LM is exceeding the 3% goal with an overall FY 2014 cost reduction of 4.9%. LM is striving to meet the 3% reduction for both paper records and electronic records.
- 14. In 2014, USA Repository Services proposed to terminate the Yucca Mountain pension plan through the purchase of insurance company annuities. This action will save \$300,000 per year in administrative costs. The conversion of the Fernald pension plan to insurance company annuities was completed in FY 2014.
- 15. The FY2013 National Defense Authorization Act eliminated the Annual Report to Congress on workforce restructuring.
- 16. Participant audits of the retiree medical benefit program are done during the process of producing annual financial reports to the DOE CFO. Claim audits of the larger closure sites (Fernald, Mound and Rocky Flats) are on a 5 year cycle. The last audits were performed in FY 2012. The next audit is scheduled to be performed during FY 2017.

### **Reform Contracting**

- 17. LM did not receive any Title II sites in FY2014; therefore, no fees were received or transferred. However, we anticipate the transfer of eight Title II sites over 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 rather than 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 the meeting locations and the extension of the public scoping period to September 9, 2011. Throughout FY 2012, LM continued work on the Draft ULP PEIS. In FY2013 LM completed the draft PEIS, four public meetings, and closed the public comment period on the Draft ULP PEIS, we made significant progress on comment resolution and development of the Final PEIS. In April 2014, DOE issued the Final PEIS followed

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by a Record of Decision (ROD) in May 2014. The U.S. Department of Justice had not petitioned the U.S. District Court of Colorado to lift the injunction on the program as of September 30, 2014. (see enclosed Summary. The complete document can be located at <a href="http://ulpeis.anl.gov/documents/fpeis/Final\_ULP\_PEIS\_Summary.pdf">http://ulpeis.anl.gov/documents/fpeis/Final\_ULP\_PEIS\_Summary.pdf</a>).

#### 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. Training material for reclaiming and conducting post-reclamation inspection and maintenance on abandoned uranium mines was being prepared in FY 2014 and will be completed in FY 2015. In addition, in FY 2014 LM helped IAEA develop a draft for the Technical Document for the International Initiative on Regulatory Supervision of Legacy Sites (RSLS). DOE also participated in site visits to the Elliot Lake, Canada uranium mining region as part of this Initiative. LM plans to participate in the FY 2015 annual Technical Meeting of RSLS where the draft Technical Document will be reviewed by representatives of other member states of the IAEA. LM anticipates hosting visitors from IAEA member states in FY 2015 for visits to uranium mill and mining sites in Colorado, Utah, and New Mexico.

In August 2014, the Secretary of Energy signed and DOE issued to Congress the "Defense Related Uranium Mines Report to Congress" (see enclosed). As requested by Congress, DOE did extensive consultation with the Secretary of the Interior (DOI) and the Administrator of EPA in preparing the report. In all, eight federal agencies, 12 states, and the Navajo Nation contributed data for the report. Information was also obtained from organizations such as the National Association of Abandoned Mine Land Programs, and individual stakeholders who contacted DOE via its web site, email, and/or by participated in webinars in addition to other types of outreach activities.