



Department of Energy

Washington, DC 20585

May 26, 2016

MEMORANDUM FOR RECORD

FROM:

DAVID W. GEISER 
DIRECTOR, OFFICE OF LEGACY MANAGEMENT

SUBJECT:

Fourth Annual Post Competition Accountability Report –
Office of Legacy Management's High Performing Organization:
Fiscal Year (FY) 2015

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 (FY 2012 – FY 2016).

This memorandum provides the fourth annual Post Competition Accountability Report (PCAR) associated with the May 2012 HPO proposal. The proposal includes measures in two areas: Management Excellence and Program Performance. Under each area, LM has 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. LM will continue to provide a quarterly report for the record on a subset of the goals and actions that have been identified as warranting more frequent reporting.

Attachments








**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






FY 2015 Annual Report























Key:
 Completed
 Met or Exceeded
 On Track
 Did Not Meet
 Not Started

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.	FY 2013	→	■			
6. Manage increases in scope by raising Federal staff levels by 1 FTE per year to a total of 64 in FY 2016.	FY 2016	57	56	59	58	
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	12.54	
9. Close the LM Federal office in Las Vegas, NV.	FY 2013	■				
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, FY 2013	↓	↓	↓	■	
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.	FY 2012					
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 FY 2012; improve satisfaction level by 10% in FY 2015.	FY 2015				 	
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%	0%	
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.	FY 2016					

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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). Executive Order (EO) 13693, Planning for Federal Sustainability in the Next Decade, was signed by President Obama on March 19, 2015. Many of the existing federal sustainability goals were revised and new ones were added. LM’s Sustainability Goal Summary reflects the newest list of ten goals and their sub-goals. However, LM has not yet had to report on some of these goal areas (greyed areas in the table); therefore, LM’s metric is only based on seven goal areas. LM has met or exceeded this HPO goal. LM achieved Excellent ratings on seven sustainability goals; normalization was not necessary.

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 2015; 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 2015, the only independent evaluation that was scheduled was an audit that was started in FY 2014 and was completed in FY 2015.

The DOE Office of Inspector General conducted an audit from June 2014 to May 2015 at Legacy Management in Washington, DC; the Feed Materials Production Center, now known as the Fernald Preserve, (Fernald) near Cincinnati, Ohio; and the Mound Site (Mound) in Miamisburg, Ohio. The audit covered post closure activities funded by Legacy Management at the Fernald and Mound closure sites. The purpose of the audit was to determine whether LM was effectively managing surveillance and maintenance activities at the Fernald and Mound closure sites.

4. LM utilizes intra- and inter-agency agreements to perform work. Examples of 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).

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. 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 DOE’s request, Congress repealed the requirement, in the National Defense Authorization Act for FY 2013, for an annual workforce restructuring report. Based on the repeal and following discussions with the DOE Offices of

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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 FY 2015 with 58 federal employees; 5 below the allowed staffing level of 63. Staffing levels are tracked in the DOE INFO system.

7. LM's FY 2015 budget request for Program Direction met this requirement (see the LM FY 2015 Congressional Justification).

8. LM is currently below the maximum grade level of 13.0 by 0.46. 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.

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, submitted a revised report, and award was made on January 29, 2015. Protests were filed, but the award was upheld allowing transition from the incumbent contractor to the new contractor to commence on June 1, 2015. Transition was completed on September 30, 2015 and the new contractor took over on October 1, 2015.

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 Calendar Year 2012. All new LM employees are issued laptops. A mandatory Jabber day, for all employees, was conducted on September 16, 2015.

Promoting Accountability and Innovation through Government

13. LMS was at or below the DOE average for most of FY 2015; two months of FY 2015 were above the DOE average. The OSHA Total Recordable Injury/Illness Case Rate is reported quarterly by use of the DOE Computerized

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Accident/Incident Reporting System (CAIRS). Injury/Illness Case Rates for LM are communicated monthly to DOE via e-mail and are presented at the monthly Goals 1 and 4 LMS Program Review by the LMS Environmental, Safety, Health and Quality (ESH&Q) Manager. Final reporting for FY 2015 is: 707,274 safe work hours since the last recordable incident and 1,106,810 safe work hours since the last lost time incident. The rolling 12 month recordable case rate is 0.6 with 2 recordables in the last 699,616 hours.

The Stoller Newport News Nuclear (SN3) 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. In 2015, an independent contractor again conducted a communications and outreach stakeholder satisfaction survey to gauge the effectiveness of DOE-LM's communication and outreach strategies. A standardized method of comparing survey responses and quantifying the responses to determine the level of satisfaction of stakeholders with LM's performance was developed. Results in several areas improved. Results in other areas declined. A copy of the report is available for review.

Attracting, Motivating and Retaining Top Talent

15. LM's scores were equal to the DOE average in the OPM Federal Employee Viewpoint Survey (FEVS) conducted in 2015. With a 96% employee participation rate in 2015, LM believes the survey results are an accurate reflection of its employees' viewpoint. LM's survey results in 2015 fell dramatically from the 2014 results. In response to this decline, LM has made a number of organizational changes that included several management positions. With the new managers in place, LM expects that the scores for 2016 will increase again to be significantly above the DOE average.

16. LM finalized its Diversity and Inclusion (D & I) Implementation Plan on October 1, 2013. In FY 2014, LM scored, on average, 10% above DOE in the three questions related to diversity and inclusion in the OPM FEVS. In FY 2015 LM's survey results in this area also dramatically declined. Although LM scored significantly higher than DOE in one of the questions (24% higher in question #34), LM's scores in the other two questions (#'s 45 and 55) were 4% and 7% below the DOE average. LM continues to be a majority female organization with racial and ethnic diversity that is greater than the DOE average. LM HR continues to maintain diversity data in an Excel spreadsheet. LM continues to work towards meeting the goals in its Action Plan (Goal 1: Workforce Diversity, Goal 2: Workplace Inclusion, and Goal 3: Sustainability & Accountability).

17. All HCMP actions are tracked and updated quarterly by the LM HR Team. LM has completed the remaining FY 2013 milestones in the HCMP and implemented over 75% of our FY 2014 HCMP actions. LM is currently preparing the FY 2017-2021 HCMP.

18. At the end of FY 2015 there were two non-supervisory GS-15s; one reporting directly to the LM Director (LM-1) and the other reporting to the LM-10 Office Director. LM has recently eliminated two other non-supervisory GS-15 positions. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management. LM HR maintains retirement eligibility data in an Excel 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]	FY 2016	89	90	89	90	
2. Increase the number of records from 86K to 110K cubic feet. [Goal 2]	FY 2012	111	114.7	114.0	114.1	
3. Increase the number of terabytes of data from 26 to 107. [Goal 2]	FY 2012	133	199.5	244.1	228.6	
4. Transfer Title X Program inspection and reporting functions from EM to LM. [Goal 4]	FY 2012	■				
5. Transfer the Title X Program from EM to LM upon OMB and Congressional approval. [Goal 4]	FY 2015	○	○	○	○	
6. Complete analysis of LM management of ongoing mission sites with large 'footprint' reductions (e.g. Hanford and Savannah River). [Goal 1]	FY 2013	→	↓	↓	↓	
7. Implement the Grants Mining District five-year plan. [Goal 1]	FY 2015	→	→	→	→	
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]	FY 2017	○	○	→	→	
9. Maintain compliance with environmental laws and regulations. [Goal 1]	Annual	✓	✓	✓	✓	
10. Dispose of five additional Federal properties. [Goal 4]	FY 2016	0	0	5	1	
11. Increase Federal properties in reuse from 21% to 39% by FY 2016. [Goal 4]	FY 2016	31%	32%	32%	38%	
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%	10.7%	
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%	4.9%	5.4%	
14. Eliminate closure site pension liability through the purchase of annuities. [Goal 3]	FY 2015	→	→	→	→	
15. Eliminate the Annual Report to Congress on workforce restructuring. [Goal 3]	FY 2013	→	■			

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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]	FY 2016	\$0	\$0	\$0	\$0	
18a. Complete Uranium Leasing Program EIS.	FY 2014	→	→	■		
18b. Receive and transfer to the U.S. Treasury a minimum of \$500 thousand per year in royalties. [Goal 4]	Annual	\$0	\$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]	FY 2014	○	○	○	○	
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]	FY 2014	→	→	→	→	

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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. The Burris Park, CA, site transitioned to LM during FY 2015. Three (3) UMTRCA Title II sites and 1 FUSRAP site that were scheduled to transfer during FY 2015 have been delayed. LM ended FY 2015 with 90 sites.
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 FY 2015, LM's paper record volume was 114,120 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 FY 2014 with 28.6 terabytes of electronic data as of September 30, 2015.
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 FY 2017 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 FY 2015 due to a resource shift needed to support DOE's contribution to an interagency effort to start addressing the legacy of defense related uranium mines that provided ore to the Atomic Energy Commission.
7. LM currently participates as a member of a multi-agency effort to address the impacts of uranium mining in the Grants Mining District, New Mexico. With the ending of the first 5 Year Plan, the participating agencies have been working on the draft of the second 5 Year Plan, which will cover the period of 2015-2020. By the end of FY 2015 the draft was nearly complete and a public meeting, led by EPA, is planned in the Grants area in early FY 2016.
8. LM continues to participate as a member of a multi-agency effort to address the impacts of uranium contamination on the Navajo Nation. The second Navajo Nation Five-Year Plan was issued as a working draft by EPA, the lead agency, in September 2014. LM is implementing commitments made in the second Navajo Five-Year Plan; LM has created a matrix of the actions to track and status progress. Key actions include creating and filling the position of the Community Outreach Coordinator, which was completed October 13, 2015. LM continues to meet its responsibilities under the Uranium Mill Tailings Radiation Control Act to conduct long-term stewardship on the four Navajo Nation sites. A Five-Year Plan multiagency meeting was conducted in Albuquerque, NM, on October 27 and 28, 2015, providing an opportunity for the Federal agencies to discuss our shared goals for the newly hired Community Outreach Coordinator. Representatives of the agencies described their roles and responsibilities for addressing uranium on the Navajo Nation, agreed on areas of support that the coordinator could provide, identified key issues of concern in Navajo communities, and reported on the status of actions in the second Plan.

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9. LM is currently in compliance with environmental laws and regulations. See the FY 2015 LMS 4th Quarter Performance Assurance Summary and Performance Measurement Manager (PMM) database.

10. LM completed 5 disposals during FY 2014. These included the final parcel at the Monticello, UT, 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, CO, Site. LM disposed of a parcel at the Spook, WY, Site during FY 2015. Work is underway to relinquish parts of two land withdrawals at the Gnome-Coach, NM, Site and the Rio Blanco, CO, Site.

11. LM currently has 38% of our sites in reuse. LM is on track for increasing the percentage of eligible properties in reuse to 39% by FY 2016 (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 FY 2015 (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 3.01% decrease in \$/per record terabyte and a 7.82% decrease in \$/ft³ records costs.

14. The proposal to convert the Lockheed Martin Specialty Components (Pinellas, FL, site) pension plan to insurance company annuities was approved by the Secretary in FY 2015. Once completed, this action will save the Department an estimated \$8 million in administrative expenses.

15. The FY 2013 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. In FY 2015, a participant audit for the Rust Geotech (Grand Junction, CO, site) retiree medical benefit program was performed. Two-dozen deceased participants were removed from the plan, saving the Department \$10,000 a month in insurance premiums. 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.

Reform Contracting

17. LM did not receive any Title II sites in FY 2015; therefore, no fees were received or transferred.

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 FY 2013, LM completed the draft PEIS, four public meetings, and closed the public comment period on the Draft ULP PEIS. In April 2014, DOE issued the Final PEIS followed by a Record of Decision (ROD) in May 2014. (The complete PEIS can be found at http://ulpeis.anl.gov/documents/fpeis/Final_ULP_PEIS_Summary.pdf.) In November 2014, DOE issued the Uranium

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Leasing Program Mitigation Action Plan for the Final Uranium Leasing Program Programmatic Environmental Impact Statement DOE/EIS-0472. Although LM has made significant progress toward resumption of the program, by the close of FY 2015, the U.S. Department of Justice had not petitioned the U.S. District Court of Colorado to lift the injunction on the program. Among actions completed for managing the program when mining and mine reclamation resume include development of the mitigation action plan, a revised method of calculating production royalties that would be paid from uranium and vanadium ore produced, and revised agreements with the Bureau of Land Management and the Colorado Department of Reclamation Mining and Safety.

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 was completed in FY 2015. In addition, in FY 2014 LM helped IAEA develop a draft for the Technical Document for the first phase of the International Initiative on Regulatory Supervision of Legacy Sites (RSLs). LM plans to participate in the FY 2016 annual Technical Meeting of RSLs where the Technical Document for Phase I which focuses on legacy uranium mines and mills will be completed. Also, in June 2015, LM and the IAEA Technical Cooperation Program for Regional Europe teamed to host a workshop on former uranium site clean-ups and long-term care programs. Workshop participants from Eastern Europe, Russia, and central Asia visited five LM sites in Utah and Colorado, as well as the Moab Project managed by the DOE Office of Environmental Management.

In August 2014, the Secretary of Energy signed and DOE issued to Congress "The Defense Related Uranium Mines Report (DRUM) to Congress". A total of 4,225 uranium mines were identified that provided all or some of the uranium ore produced for the U.S. Atomic Energy Commission for defense purposes. 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 other federal agencies, 12 states, and the Navajo Nation contributed data for the report. As follow-up to the report, DOE is partnering with many of the same agencies on a multi-agency effort to address health and safety risks from abandoned mines. As part of this effort, LM is proposing to assist DOI's Bureau of Land Management as well as the U.S. Forest Service with DRUM inventory and site inspection work. At least 60% of all DRUMs are located on federal public land.