Department of Energy
Washington, DC 20585

December 21, 2012

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

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

SUBJECT: First Annual Post Competition Accountability Report – Office of Legacy Management's High Performing Organization: Fiscal Year (FY) 2012

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 current reporting is based on commitments made in FY2007, most of which have either been met or are no longer relevant.

Thus, this memorandum transmits the first 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.

Our intention is to submit an annual PCAR that is comprehensive; it will include a status of all the goals and actions contained in the May 2012 HPO proposal. We will also provide quarterly reporting 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 new reporting structure or the contents of this report.

Attachment

Printed with soy ink on recycled paper

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

FY2012 Annual Report

Key:
✓ 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.	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				
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				
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	→				

Closing the IT Gap	Target	FY2012	FY2013	FY2014	FY2015	FY2016

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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 viewpoint survey.	Annual	10%				
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. The LM/LMS EMS program was awarded a Sustainability Award, for its *Not Just Your Average EMS Program*, at the DOE Headquarters annual Sustainability Awards ceremony on September 27, 2012. EMS achievements are listed in the LMS FY2012 4th Quarter Performance Assurance Summary.

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

3. LM completed an external independent review of Goal 1, Long-Term Surveillance and Maintenance, September 30, 2012. On October 12, 2012, the United States Army Corps of Engineers (USACE) released a draft final LM Goal 1 independent evaluation. The evaluation was modeled after the former OMB Program Assessment Rating Tool (PART) process. The USACE Team determined the LM Goal 1 Program is "Effective" (highest rating) and achieving the desired results.

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; and, the USACE for realty services and independent evaluations.

Cutting Waste (Improving Efficiency)

5. LM has made progress on this goal. The Secretary of Energy issued a memorandum dated 5 May 2011, "Authorize Changes to Workforce Restructuring Policy" that realigned responsibilities for this function within the Department. The Director of LM issued a memorandum dated 14 September 2012, "Termination of Workforce Information System (WFIS)" that would eliminate the WFIS. LM is currently waiting on passage of a final FY2013 Defense Authorization Bill before this action can be declared complete.

6. LM ended FY2012 with 57 federal employees; 3 below the allowed staffing level. Staffing levels are tracked in the DOE INFO system. Note: LM Federal staff levels will increase by 1 FTE each year beginning in FY2013 to reach a total of 64 in FY2016.

7. LM's FY2013 budget request for Program Direction met this requirement (see the LM FY2013 OMB Budget Request).

8. LM is currently exceeding the maximum grade level of 13.0 by 0.09. LM anticipates the retirement of 2 GS-14s and 1 GS-15 by January 31, 2013; this should reduce the grade level below 13.0. LM personnel information is maintained in the DOE INFO system. Human resources (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. LM has terminated the lease for office space.

Reform Contracting

10. The 5-year, small business, performance-based incentive contract was not awarded in the 1st quarter of FY2013 due to delays in completing cost proposal audits by the Defense Contracting Audit Agency (DCAA). The contract is now scheduled for award in March 2013.

11. Training for all CORs, task monitors and sub-task monitors will be completed prior to the start of the new contract. Employee training records will be updated to reflect completed training. COR certification is not required for task and sub-task monitors; however, LM is pursuing the necessary technical project officer (TPO) certifications for all staff managing grants and cooperative agreements.

Closing the IT Gap

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

Promoting Accountability and Innovation Through Government

13. LM reports our safety record to DOE on a quarterly basis via the OSHA Recordable Injury Case Rate presentation. 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 FY2012. Safety information is documented monthly in the Goals 1 and 4 monthly performance report.

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 10 percentage points above the DOE average in the OPM Federal Viewpoint Survey conducted in 2012.

16. LM is in the final process of approving the D & I Implementation Plan. At the end of FY2012, LM was 30% more diverse than DOE. LM personnel statistics to include diversity information is maintained in the DOE INFO system.

17. All HCMP actions are tracked and updated quarterly by the HR Team. LM has implemented over 90% of their FY2012 HCMP actions. Senior management reviews the HCMP actions quarterly.

18. At the end of FY2012, LM had 6 non-supervisory GS-15's; 2 of the 6 will retire in FY2013. LM anticipates a third retirement in late FY2013/early FY2014. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management. LM personnel information is maintained in the DOE INFO System.

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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				
2. Increase the number of records from 86K to 110K cubic feet. [Goal 2]	FY2012	111				
3. Increase the number of terabytes of data from 26 to 107. [Goal 2]	FY2012	133				
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	O				
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 2nd Five-Year Plan for addressing uranium contamination on the Navajo Nation. [Goal 1]	FY2017	O				
9. Maintain compliance with environmental laws and regulations. [Goal 1]	Annual	✓				
10. Dispose of five additional Federal properties. [Goal 4]	FY2016	1				
11. Increase Federal properties in reuse from 21% to 39% by FY2016. [Goal 4]	FY2016	31%				

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%				
13. Reduce the cost of managing records and information by 3% per year on a cubic foot and terabyte basis. [Goal 2]	Annual	→				
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	→				
16. Audit medical reimbursements for improper payments on a rotating basis. [Goal 3]	Annual	✓				

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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				
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				

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. At the end of FY2012 LM was responsible for 89 sites.

2. LM utilizes an electronic record keeping system to track all its records. LM had 111,262 cubic feet of physical records and 5.65M electronic records on September 30, 2012. 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, 2012 was obtained from these systems.

3. LM maintains an inventory of all its electronic data. LM had 132.7 terabytes of electronic data on September 30, 2012. 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, 2012, electronic data volume was retrieved from the October 2012 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 FY2014 OMB budget.

6. LM, EM and the National Nuclear Security Administration (NNSA) have started an analysis of management options; this should be completed in FY2013.

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 December 2011 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 is due to Congress in FY2013. A 2nd five-year plan is expected to be written in FY2013.

9. LM is currently in compliance with environmental laws and regulations. See the LMS FY2012 4th Quarter Performance Assurance Summary and Performance Measurement Manager (PMM) database.

10. LM has disposed of one Federal property in FY2012; Monticello, UT (parcel 1081), and is on track for completing five property disposals by the end of FY2016.

11. LM currently has 31% 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 FY2012 (see the PMM database and the LMS Report of Cost Savings October 2012).

13. LM used FY2012 to establish baselines ($/ft^3, $/terabyte) for future reporting. We are excluding costs associated with Yucca Mountain records and information from the baseline calculations.

14. In FY2012, ~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. LM is also requesting Departmental concurrence on USA Repository Services (USARS) proposal to the annuitize pension plan covering former workers at Yucca Mountain.

15. The Annual Report to Congress on workforce restructuring will be eliminated upon enactment of the FY2013 Defense Authorization Bill.

16. The plan sponsors for the Rocky Flats and Mound retiree medical plans completed dependent eligibility audits identifying 238 dependents who were removed resulting in savings of $1.7 million. Audits of the PRB plans covering the retirees from the Fernald and Pinellas sites will be completed during FY2013.

Reform Contracting

17. LM did not receive any Title II sites in FY2012; 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 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 4 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. A 60-day public comment period on the Draft ULP PEIS begins with the publication of the EPA Notice of Availability in the Federal Register which is expected to be released in the first quarter of FY2013.

Closing IT Gap

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

Promoting Accountability and Innovation Through Open Government

20. In FY2012, as part of the Uranium Initiative, LM developed a list of existing databases, maps, reports and other information related to abandoned uranium mines from various sources. In late FY2012, LM initiated discussions with EPA's Office of Radiation and Indoor Air Radiation Protection Division on opportunities to work on a collaborative effort between the Agencies. The effort would update and potentially enhance the information provided in EPA's Uranium Location Database Compilation as an initial step to better define the location and present condition of the legacy uranium mines.

In August 2012, LM co-hosted with the IAEA visits to five UMTRCA sites in Colorado (CO) and Utah for approximately 30 visitors from 20 countries as part of the IAEA's Regulatory Supervision of Legacy Sites (RSLS) Initiative. The site visits were followed by a one-week workshop in Grand Junction, CO with presentations on establishment of reclamation standards for UMTRCA surface and groundwater contamination and lessons-learned from past and ongoing mill site remediation in the U.S. Results of the workshop will be incorporated into an IAEA Technical Document for the RSLS Program.

In September 2012, LM hosted an interagency technical workshop on uranium geochemistry. The workshop was attended by representatives from USGS, Navajo Nation EPA (NNEPA), and Navajo Nation UMTRA. Recent studies by LM are demonstrating that uranium, selenium, and sulfates in ground and surface waters near disposal cells may have natural sources. USGS requested and now has access to LM site data through electronic databases. NNEPA is conducting independent technical studies on groundwater issues and contamination sources; the collaboration fostered by the workshop will continue as data is made available from these studies.