General Counsel's Office FY 1995 Site Support Program Plan WBS 6.10.5

S. R. Moreno

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**Westinghouse
Hanford Company**

P.O. Box 1970
Richland, Washington

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U.S. Department of Energy under Contract DE-AC06-87RL10930

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This document was reviewed following the
procedures described in WHC-CM-3-4 and is:

APPROVED FOR PUBLIC RELEASE

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WHC Information Release Administration Specialist:

C. Willingham
(Signature)

9/29/94
(Date)

FY 1995
SITE SUPPORT PROGRAM PLAN
GENERAL COUNSEL'S OFFICE
WHC-SP-1141
WBS 6.10.5

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FY 1995

Site Support Program Plan Approval Sheet

GENERAL COUNSEL'S OFFICE

WHC-SP-1141

WBS 6.10.5

R. M. Carosino
Office of Chief Counsel
U.S. Department of Energy
Richland Operations Office

9/23/94
Date

S. R. Moreno
Office of General Counsel
Westinghouse Hanford Company

9/15/94
Date

1.A Vision/Mission	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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The General Counsel's office provides legal counsel to all levels of WHC management; administers the intellectual property program; coordinates all WHC investigative activity and supports WHC activities to ensure compliance with all applicable federal, state, and local laws, DOE directives, contractual provisions, and other requirements.

In so doing, the Office of General Counsel supports the Hanford site mission of transforming the Hanford site into an environmentally attractive and economically sustainable community.

1.B.1 Internal Assessment Summary	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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PRIMARY CUSTOMERS

Internal: WHC management and programs

External: DOE-RL and the Office of Inspector General

PRODUCTS/SERVICES PROVIDED

- Provide legal counsel to WHC management in all areas, including employment, security, environment, labor, equal employment opportunity, taxes, disputes, unemployment compensation, and health and safety matters.
- Represent WHC in all judicial or quasi-judicial proceedings and retain and overview any outside counsel representing WHC.
- Answer Privacy Act and Freedom of Information Act requests.
- Develop and administer WHC's conflict of interest policy and ethics program.
- Administer the intellectual property program.
- Review documents, speeches, articles, and manuals before publication or issue to the public for conformance with WHC patent and legal requirements.
- Coordinate all WHC investigative activities.
- Conduct nonsecurity-related reviews on behalf of management.

EVALUATION OF MAJOR ACTIVITIES (COST, VALUE-ADDED, ETC.)

Annual budget of approximately \$3M.

1.B.1 Internal Assessment Summary	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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FACTORS WHICH INFLUENCE RESOURCE CONSUMPTION (CHANGES TO COST AND VOLUME)

- Litigation - both defensive and offensive.
- Settlements - negotiations may result in settlements of either extreme.
- Mediation - mediators' suggested settlement may exceed assessed value.
- Administrative proceedings - permit appeals and hearings.
- Judgments - determined by judge or jury.
- New and/or amended statutes, regulations, directives, policies or guidelines.
- Contract modifications.
- Labor relations.
- Freedom of Information Requests.
- Tri-Party Agreement Milestones.

1.B.2 External Assessment Summary	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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SUMMARY OF CUSTOMER REQUIREMENTS (NEEDS)

DOE Order 1100.3, "Office of Hearings and Appeals"
DOE Order 1700.1, "Freedom of Information Program"
DOE Order 1800.1A, "Privacy Act"
DOE Order 2030.4B, "Reporting Fraud, Waste, and Abuse to the Office of Inspector General"
DOE Order 4220.4, "Organizational Conflict of Interest Processing Procedures"

RLIP 4220.2, "Organizational Conflict of Interest Processing Procedures"

MRP 1.2, "Freedom of Information Act"
MRP 1.3, "Inventions, Copyrights and Trademarks"
MRP 1.4, "Proprietary and Business-Sensitive Information"
MRP 1.5, "Conflict of Interest"
MRP 1.22, "Conducting Internal Investigations"
MRP 1.24, "Interfacing With Outside Attorneys"

WHC Policies and Charters

Westinghouse Electric Corporation Policies and Directives

OTHER EXTERNAL CHALLENGES

Stakeholders
Regulators
Indian Tribes
Bid Protests
Litigation
Legal Constraints to Policy Decisions
Agency Actions
Union Organizing

1.C Goals and Objectives	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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- Expand the scope of preventive law seminars.
- Implement a litigation management database.
- Tighten log controls on procurement requests for legal information.
- Promote a strong safety consciousness and maintain an injury-free work environment.
- Meet the needs of our internal and external customers in a timely manner.
- Anticipate where federal and state environmental requirements will impact WHC programs and activities and help develop feasible compliance options.
- Be proactive in finding ways to balance business goals and legal risks.
- Conduct prompt, thorough and objective investigations and reviews.
- Report all matters of fraud, waste and abuse to the Office of Inspector General within required time periods and as required by DOE Order.
- Develop and implement an effective and proactive business ethics program for WHC.
- Ensure prompt review and determination of inquiries regarding business ethics and conflict of interest matters.
- Ensure investigative reports and information are well documented and disseminated to appropriate organizations for corrective action.
- Continue extraordinary accomplishments when presenting WHC's position to government agencies in response to charges/allegations which result in "no cause" to proceed determinations by the agencies (where applicable).

1.C Goals and Objectives	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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- Continue the excellent settlement record in state and federal lawsuits in the labor and employment area.
- Avoid strikes, slowdowns and labor stoppages.
- Coordinate labor and employment policy with all site contractors.
- Continue to provide legal advice which prevents lawsuits/filings in the first place and results in a very low litigation expense in the labor and employment area.

1.D Strategies	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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ORGANIZATION and MANAGEMENT STRATEGIES

- Practice preventive law to ensure a total quality and cost-effective utilization of resources.
- Provide necessary training opportunities to staff to enhance productivity and job satisfaction.
- Implement joint attorney meetings with DOE-RL on a monthly basis to discuss issues and concerns and improve staff relations.
- Define and coordinate subcontractor legal reporting responsibility.

1.E Assumptions	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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Compliance with all applicable federal, state and local laws, DOE directives, contractual provisions and other requirements.

1.F Issues and Constraints	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared: 09/94
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- Ensuring that employees and management learn to recognize the requirements of the law as it pertains to matters of fraud, waste and abuse, or conflicts of interest and timely report these matters as required by DOE Orders.
- The respective roles of DOE-RL and WHC on the Hanford Site limit WHC options in addressing environmental issues. For example, DOE-RL's RCRA responsibilities generally are for policy, programmatic, funding and scheduling decisions, as well as general oversight. The responsibilities of WHC are more limited. Environmental compliance must be answered through regular communication with responsible management on specific problems.
- The DOE implementation of NEPA is cumbersome and time-consuming. DOE is currently revising DOE Order 5440.1E regarding the DOE NEPA Compliance Program. Programs managed by WHC including privatization efforts are often unduly delayed while awaiting NEPA decisions. DOE-RL (and therefore WHC) compliance with NEPA may be perceived as being obstructionistic when complying with all NEPA requirements.
- Conflicting direction in major program areas.
- Lack of coordination by DOE programs at local and headquarters levels.
- Imposition of Contract Reform into a system whose rules have not changed and at times are inconsistent.
- Changing paradigms - facilitating transitions, be it in outsourcing or reduction in forces, and ensuring that ongoing operations continue to be conducted in compliance with all legal and policy requirements.

1.G Performance Measures	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared 09/94
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Track implementation of goals and objectives (see Section 1.C).

2.A.1 Work Breakdown Structure and Responsibility Assignment Matrix	Activity (See 2.A.2)	Title (RL WBS or Activity)	Responsible Manager	FY 1995 Site Support Program Plan Date Prepared: 9/94	
				SR Moreno	04000
6.10.5		Office of General Counsel			

2.A.2 Description of Activities	Westinghouse Hanford Company RL WBS # RL WBS TITLE	FY 1995 Site Support Program Plan Date Prepared: 9/94
ACTIVITY NUMBER & TITLE	DESCRIPTION	
Intellectual Property	To manage intellectual property administration in areas such as inventions/patents, copyrights and trademarks, and business sensitive/proprietary information; to advise WHC personnel on all intellectual property matters; to support software licensing and the technology transfer, work for others/isotope sales programs; to prepare and negotiate assignee, international and other agreements; to assist the Office of General Counsel and other organizations; and to interface with DOE-RL and WEC intellectual property attorneys on intellectual property matters as required.	
Internal Review	<p>The Internal Review office was established as part of the Office of General Counsel to conduct investigations and reviews of internal company matters and serve as the central point of contact for coordination of company investigations. It has oversight and responsibility for conducting investigations of matters pertaining to fraud, waste and abuse of government funds, materials and equipment, and the reporting and interface with the U.S. Department of Energy Office of Inspector General. As well, the Internal Review office assists the Office of General Counsel with investigative expertise in support of litigation matters involving the company.</p> <p>Additionally, the Internal Review office serves as the company point of contact for clarification and interpretation of business ethics matters and conducts ethics training for the company.</p>	
Litigation/Procurement	<div> <div> Litigation and litigation management Government contracts Price-Anderson Amendments Act Freedom of Information Act and Privacy Act General legal advice </div> <div> Pension Taxes Technology Transfer </div> </div>	

2.A.2 Description of Activities

Labor	<p>The Office of General Counsel provides legal advice and representation to the company in all labor and employment areas including National Labor Relations Board, Equal Employment Opportunity Commission, State of Washington Human Rights Commission, Federal Department of Labor, State of Washington Department of Labor and Industries and State of Washington Employment Security Department (Unemployment).</p> <p>In addition, matters relating to collective bargaining (negotiating, labor agreement interpretation, grievances, arbitrations), unemployment compensation, equal employment opportunity, wage and hour, age, sex, national origin, disability and race discrimination, employee protection provisions, internal human resources policies including disciplinary procedures, pensions/benefits, and layoff notices.</p> <p>The office also assists outside counsel in state and federal court litigation involving labor and employment law (research, discovery, trial, briefs).</p>
Environmental Law	<p>Review and analyze environmental issues. Identify and propose viable courses of action to maintain environmental compliance and achieve WHC programmatic objectives. Provide aggressive, yet cost-effective representation of WHC in environmental litigation and negotiations.</p> <p>Represent OGC on the WHC Central Environmental Committee (CEC) and on the Executive Committee of the CEC. The CEC provides a means for WHC programs to discuss environmental compliance issues in open forum. The CEC provides for sharing of ideas, techniques and plans for the resolution of issues and concerns.</p>

2.C.1 Cost Baseline by Program Element	Westinghouse Hanford Company Program Title RL WBS #	FY 1995 SSPP Date Prepared: 9/94
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FY 1994 Cost Baseline (Dollars in Thousands)

WBS #	Title	Total \$s
6.10.5	Office of General Counsel	2,022 *
	* Purchased Services are understated by 495k due to an over accrual in FY 93, resulting in an accrual reversal of 700k with actual cost of 205k. Purchased Services' true FY 94 FYSF is 839k, for a true total of 2,517k.	
[Excludes company adders (G&A and CSP/Oversight)] FY 1994 Total for (SMS/WBS No)		

FY 1995 Cost Baseline (Dollars in Thousands)

6.10.5	Office of General Counsel	2,728
[Excludes company adders (G&A and CSP/Oversight)] FY 1995 Total for (SMS/WBS No)		

2.C.1 Cost Baseline by Program Element	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 SSPP Date Prepared:
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FY 1994 Cost Baseline (Dollars in Thousands)

WBS #	Title	Total \$s
6.10.5	Office of General Counsel	2,022 *
	* Purchased Services is understated by 495k due to an over accrual in FY 93, resulting in an accrual reversal of 700k with actual cost of 205k. Purchased Services' true FY 94 FYSF is 839k, for a true total of 2,517k.	
[Excludes company adders (G&A and CSP/Oversight)] FY 1994 Total for (SMS/WBS No)		

FY 1995 Cost Baseline (Dollars in Thousands)

6.10.5	Office of General Counsel	2,728
[Excludes company adders (G&A and CSP/Oversight)] FY 1995 Total for (SMS/WBS No)		

2.C.2 Cost Basis	Westinghouse Hanford Company General Counsel's Office SMS/WBS No. 6.10.5	FY 1995 Site Support Program Plan Date Prepared 09/94
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Costs were developed using historical information (see attached Dictionary).

SUPPORT ORGANIZATION TITLE

FORM 2.C.3 FTEs

WBS Number 6.10.5

FY 1995 SSPP

Full-Time Equivalent Staff by Job Description				NOTE: Job Family Only After 1996				
Physicists								
Social								
Other								
ADMIN/OTHER PROFESSIONALS				16	16	16	16	16
Accountant/auditor								
Architect								
Buyers/procurement								
Communications								
Compliance inspectors								
Computer System Anal								
Cost Est/planner/sch								
Health Physics								
Industrial Hygiene								
Lawyers	6	6	6					
Personnel/Labor Rela								
Physicians								
Physician Assis/Nurs								
Safeguard & Security								
Tech Writers & Edit								
Trainers								
Other *	5	5	5					
JOB FAMILY								
Job category								
GEN ADM/SECRETARY/CLERK								
Admin Assistants								
Office Clerks (Gen)								
Office Clerks (Special)	1	1	1					
Secretaries	4	4	4					

*Intellectual
Prop. Adm.
Paralegal
Investigators

SUPPORT ORGANIZATION TITLE

FORM 2.C.3 FTEs

WBS Number 6.10.5

FY 1995 SSPP

Full-Time Equivalent Staff by Job Description				NOTE: Job Family Only After 1996				
JOB FAMILY								
Job category	1994	1995	1996	1997	1998	1999	2000	2001
MANAGERS	5	5	5	5	5	5	5	5
First line								
General/executive								
Project/Program								
Other								
ENGINEERS								
Chemical								
Civil								
Computer								
Electrical								
Environmental								
Industrial								
Mechanical								
Nuclear								
Petroleum/Mining								
Plant								
Quality Control								
Safety								
Other								
SCIENTISTS								
Chemists								
Environmental								
Geologists								
Life								
Material								
Mathematicians								

Work Breakdown Structure Dictionary	Westinghouse Hanford Company _____ GENERAL COUNSEL Part I – Summary (Dollars In 000's)		FY 1995 SSPP Rev. # 0 08-Sep-94		Funding Source:									
					G&A XX									
					SWS									
					OST									
					DOH									
					MGT PRO									
POOL														
DIRECT														
Cost Account 1MDD04	Cost Account Title GENERAL COUNSEL		Annualized Rate (For Organizational Overhead and Rated Service Pool Use Only) <table border="1"> <tr> <td>FY 1994 Rate</td> <td>FY 1995 Rate Request</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>FY 1995 Target Rate</td> <td>FY 1995 Approved Rate</td> </tr> <tr> <td></td> <td></td> </tr> </table>				FY 1994 Rate	FY 1995 Rate Request			FY 1995 Target Rate	FY 1995 Approved Rate		
FY 1994 Rate	FY 1995 Rate Request													
FY 1995 Target Rate	FY 1995 Approved Rate													
SMS WBS 6.10.5	SMS Title GENERAL COUNSEL													
CAM Review/Approval		Date												
SMS Program Manager Review/Approval		Date												
Financial Manager Review/Approval		Date												
Responsible Analyst		Date												
OSBRB Review/Approval		Date												
	FY1994		FY 1995											
	Budget	Fiscal Year Spending Forecast (FYSF)	Target	Request	Approved Baseline									
FULL-TIME EQUIVALENTS (FTEs)														
. Organizational – Exempt	15.5	14.3		14										
. Organizational – Nonexempt	6.8	5.7		5.7										
. Organizational – Bargaining	0	0		0										
Total Organizational FTEs	22.3	20		19.7										
Support FTEs	0	1		1										
TOTAL FTEs	22.3	21		20.7										
COST ELEMENTS														
. Labor – Regular	1,465	1,371		1,394										
. Labor – Overtime	1	1		0										
0 Total Labor	1,466	1,372		1,394										
1 Materials	63	18		24										
2 Purchased Services	1,264	344		1,006										
3 Other Hanford	53	53		55										
4 Site Services	145	161		164										
5 Internal Charges	73	12		8										
6 IRM Support	81	70		68										
7 Overheads	0	(8)		9										
8 Revenue	0	0		0										
TOTAL DOLLARS	3,145	2,022		1,657		2,728								

1MJJ04 COST ACCOUNT		
Work Breakdown Structure Dictionary	Westinghouse Hanford Company _____ GENERAL COUNSEL Part II – Element Definition	FY 1995 SSPP Revision # 0

WBS ELEMENT CODE: 6.10.5	TITLE: GENERAL COUNSEL
<p>ELEMENT TASK DESCRIPTION</p> <p><u>COST CONTENT –</u></p> <p>The WHC Office of General Counsel (OGC) is G&A funded.</p> <p><u>TECHNICAL CONTENT –</u></p> <p>The OGC supports the mission by providing legal counsel in all areas; administering the intellectual property/technology transfer program; supporting DOE in responding to Privacy Act and Freedom of Information Act requests; conducting nonsecurity reviews on behalf of management; and coordinating all investigative activity undertaken by WHC.</p> <p><u>OBJECTIVES –</u></p> <p>The objectives of the OGC are to ensure compliance with all applicable legal requirements, contractual provisions, DOE directives, WHC and DOE policies and procedures and to work constructively with DOE and other Hanford contractors to resolve legal issues which arise at the Hanford Site.</p> <p><u>ASSUMPTIONS/CONSTRAINTS –</u></p> <p>It is assumed that there will be no major changes in the emphasis or volume of work in the foreseeable future, although the practice is currently quite demanding, particularly in the environmental, litigation and labor areas. Program constraints are based upon contract provisions, legal requirements and constraints on other programs being supported.</p> <p><u>MILESTONES –</u></p> <p>There are no milestones associated with OGC.</p> <p><u>DELIVERABLES –</u></p> <p>In addition to the monthly SMS report, OGC provides periodic input to DOE's litigation database and various reports, from time to time as appropriate, to keep DOE Chief Counsel informed on issues and to coordinate activities.</p>	

WORK STATEMENT -

REQUESTS WITHIN TARGET:

The increase in non-labor dollars is due to expected relocation, 30k, 8k in computer purchases, 45k over-accrual in FY94, and 45k in travel and training.

Labor Cost
Non-Labor Cost

REQUESTS ABOVE TARGET:

FY 94 legal fees are understated by 500k due to an over-accrual.

Labor Cost
Non-Labor Cost

See request within target section.

Labor Cost
Non-Labor Cost

Total Cost Account

FY 1994 FYSF		Delta		FY 1995		Delta		FY 1996	
FTEs	Dollars	FTEs	Dollars	FTEs	Dollars	FTEs	Dollars	FTEs	Dollars
21.0	1,372.0	(2.5)	(149.0)	18.5	1,223.0	0.0	35.5	18.5	1,258.5
	325.0		109.0		434.0		12.6		446.6
			0.0				0.0		0.0
	325.0		575.0		900.0		26.1		926.1
		2.2	171.0	2.2	171.0	0.0	5.0	2.2	176.0
			0.0				0.0		0.0
21.0	2,022.0	(0.3)	706.0	20.7	2,728.0	0.0	79.1	20.7	2,807.1