



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

DEC 30 1987

MEMORANDUM FOR: Victor Stello, Jr.  
Executive Director for Operations

FROM: Paul E. Bird, Chairman  
Differing Professional Opinions  
Special Review Panel

SUBJECT: DIFFERING PROFESSIONAL OPINIONS

In response to the direction in your letter dated July 13, 1987, I am pleased to transmit to you this Addendum (Enclosure 1) to the final report of the Differing Professional Opinions Special Review Panel (NUREG-1290). The Addendum represents the consensus views of all members of the Special Review Panel. Consistent with its charter, the 1987 Special Review Panel considered all DPOs that were filed subsequent to the 1982 Special Review Panel's effort.

The Panel reviewed the differing professional opinions (DPOs) to identify any employee whose DPO made a significant contribution to the Agency or to the public safety but who had not been recognized for such contribution. This review included two files that had been previously determined to be "Open Door" issues rather than DPO issues. The Panel unanimously concluded that neither of the "Open Door" issues were appropriate for consideration under MC 4125. One of the 22 DPOs was deleted from agency files as agreed upon by the parties involved.

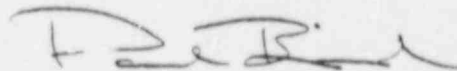
Of the 21 DPOs finally considered, the Panel unanimously agreed that the submitters of four DPOs deserved recognition. Two of these DPOs were submitted by Joseph Halapatz, Office of Nuclear Reactor Regulation, DPO file number 7, and C. D. Evans, Office of Inspection and Enforcement, DPO file number 86-04. In both instances, the Panel agreed that letters of commendation were appropriate recognition as both submitters were no longer with the agency. Proposed letters of commendation are attached in Enclosures 2 and 3.

In two other cases, the Panel felt that the submitters were also potential candidates for recognition. Upon further examination, it was determined that the submitters of these cases had already been given appropriate recognition for their DPOs and, therefore, no recommendation for additional recognition is made. These were for James P. Wolf, DPO file number 86-1, who received a High Quality Increase, and Ross F. Rogers, III, DPO file number 11, who received letters recognizing the professional approach and appropriate use of the DPO process related to a safety concern.

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As you know, this Panel's charter did not address awards for DPO submitters who filed prior to the 1982 Special Review Panel. The 1982 Panel indicated that they did not have sufficient documentation to determine whether awards might have been appropriate. You may wish to consider further review of those early DPOs to determine whether the submitters were appropriately recognized.

It has been a privilege to serve the agency as Chairman of this Panel. The dedication and constructive deliberation of Panel members and alternates, consultants, and NRC staff who participated in the process all contributed to this important effort.



Paul E. Bird, Chairman  
Differing Professional Opinions  
Special Review Panel

Enclosures: As stated

# ROUTING AND TRANSMITTAL SLIP

Date

1/26/88

TO: (Name, office symbol, room number,  
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Initials

Date

1. Don Lanham

2.

3.

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5.

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## REMARKS

This is the Addendum to NUREG-1290.

Please have this put in the DCS and PDR as soon  
as possible.

# URGENT

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(8-76)

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FROM: (Name, org. symbol, Agency/Post)

M. Larson

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5041-102

U.S. GPO: 1985-0-491-247/20041

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

Enclosure 1

NUREG-1290

ADDENDUM

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# Differing Professional Opinions

1987 Special Review Panel

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U.S. Nuclear Regulatory  
Commission

Special Review Panel



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# Differing Professional Opinions

1987 Special Review Panel

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Special Review Panel

U.S. Nuclear Regulatory Commission  
Washington, DC 20555



## ABSTRACT

In November 1987, the five-member Differing Professional Opinions Special Review Panel established by the Executive Director for Operations of the U.S. Nuclear Regulatory Commission to review agency policies and procedures for handling differing professional opinions (DPOs) presented its findings and recommendations in NUREG-1290. The issuance of that report completed the first task of the Panel's charter. In accordance with Manual Chapter 4125, Section L, and the charter of the Special Review Panel, the Panel's second task was to "...review...the DPOs submitted subsequent to the previous Panel's review, in order to identify any employee whose DPO made a significant contribution to the Agency or to the public safety but who has not yet been recognized for such contribution." This Addendum provides the findings of that review.

## CONTENTS

	<u>Page</u>
Abstract .....	111
Addendum to NUREG-1290 .....	1

ADDENDUM TO NUREG-1290--DIFFERING PROFESSIONAL OPINIONS  
REPORT OF THE SPECIAL REVIEW PANEL

In November 1987, the five-member Special Review Panel established by the Executive Director for Operations of the U.S. Nuclear Regulatory Commission to review the process for handling differing professional opinions (DPOs) presented its findings and recommendations in NUREG-1290. The issuance of that report completed the first task of the Panel's charter. In accordance with Manual Chapter 4125, Section L, and the charter of the Special Review Panel, the Panel's second task was to "...review...the DPOs submitted subsequent to the previous Panel's review, in order to identify any employee whose DPO made a significant contribution to the Agency or to the public safety but who has not yet been recognized for such contribution." This Addendum provides the findings of that review.

Consistent with its charter, the 1987 Special Review Panel considered all DPOs that were filed subsequent to the 1982 Special Review Panel's effort. The 1987 Panel reviewed each of the 22 recorded DPOs filed since the last meeting of the DPO Special Review Panel in 1982 to determine if the submitters had been appropriately recognized for the contributions their DPOs made to the public health and safety.

In its deliberations, the Panel agreed that the criteria for recommending submitters of DPOs for recognition would include the significance of the differing opinion raised, how effectively the issue was defined and presented, and the impact on agency operations resulting from the review and disposition of the differing opinion.

In their initial review, the Panel identified six cases that they considered for possible recommendation for recognition. Upon completion of their review, the Panel specifically identified four submitters of DPOs as potential candidates for further recognition.

The Panel unanimously agreed that the submitters of two DPOs deserved further recognition. In both cases, the submitters have left the agency.

- ° The Panel recommends that one submitter be given a letter of commendation because the substance of his DPO was instrumental in changing and improving NRC regulations.
- ° The Panel recommends that another submitter be given a letter of commendation because the submitter used the DPO process appropriately and effectively to present a view on a significant agency issue.

The Panel identified two other submitters who warranted recognition. However, the Panel agreed that they had already received recognition pertinent to the DPOs they had submitted.

- ° An employee who had submitted a DPO on a specific safety issue had already been recognized for the significant contribution of that effort, as well as other efforts, by being awarded a High Quality Increase.



- ° Another submitter had received letters recognizing the professional approach and appropriate use of the DPO process related to a safety concern. The Panel felt that this constituted sufficient recognition for having brought up an important issue for resolution.

After further deliberation, the majority of the Panel felt that the last two cases of the six did not justify recommendation for recognition.

In one of the cases, the DPO record was removed from the agency's DPO files as agreed by the parties involved.

The Panel reached a unanimous consensus that no awards recommendations were justified for the remaining 15 cases reviewed.

This task is considered complete with the publication of this addendum and its recommendations to the Executive Director for Operations.