

DPO Case File for DPO-2017-005

The following pdf represents a collection of documents associated with the submittal and disposition of a differing professional opinion (DPO) from an NRC employee concerning recordkeeping in Region III.

Management Directive (MD) 10.159, "NRC Differing Professional Opinions Program," describes the DPO Program. <https://www.nrc.gov/docs/ML1513/ML15132A664.pdf>

The DPO Program is a formal process that allows employees and NRC contractors to have their differing views on established, mission-related issues considered by the highest level managers in their organizations, i.e., Office Directors and Regional Administrators. The process also provides managers with an independent, multi-person review of the issue (one person chosen by the employee). After a decision is issued to an employee, he or she may appeal the decision to the Executive Director for Operations (or the Commission, for those offices that report to the Commission).

Because the disposition of a DPO represents a multi-step process, readers should view the records as a collection. In other words, reading a document in isolation will not provide the correct context for how this issue was reviewed and considered by the NRC.

It is important to note that the DPO submittal includes the personal opinions, views, and concerns by an individual NRC employee. The NRC's evaluation of the concerns and the NRC's final position are included in the DPO Decision.

The records in this collection are non-public and for internal use only.


Document 1: DPO Submittal

Document 2: Memo Establishing DPO Panel

Document 3: DPO Panel Report

Document 4: DPO Decision

Document 1: DPO Submittal

NRC FORM 680 (09-2015) NRCMD 10 159		U.S. NUCLEAR REGULATORY COMMISSION		DPO Case Number DPO-2017-005	
		DIFFERING PROFESSIONAL OPINION		Date Received 5/19/2017	
Name and Title of Submitter (b) (6)		Organization RIII/DNMS/MCID		Telephone Number (10 numeric digits) (b) (6)	
Name and Title of Supervisor Michael Kunowski		Organization RIII/DNMS/MCID		Telephone Number (10 numeric digits) (630) 829-9618	
When was the prevailing staff view, existing decision or stated position established and where can it be found? Date 04/26/2017 Where (i.e., ADAMS ML#, if applicable): RIII/Idea Cloud/Link of "innovator hall of fame"/Idea No. 199					
Subject of DPO Do not continue to update RIII/DNMS File Room with Hard Copies					
Summary of prevailing staff view, existing decision, or stated position. (Use continuation pages or attach Word document)					
Reason for DPO, potential impact on mission, and proposed alternatives. (Use continuation pages or attach Word document)					
Do you believe the issue represents an immediate public health and safety concern?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, (Explain on continuation page(s) or attach Word document).		
Is the issue directly relevant to a decision pending before the Commission?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, Reference Document (i.e., ADAMS ML#)		
<input checked="" type="checkbox"/> Informal discussions took place (Identify with whom and time frame of discussions) Informal Discussions started on August 5, 2016. Discussions occurred with DNMS Division and Deputy Division Director and RIII Engagement Council.		<input type="checkbox"/> Extenuating circumstances prevented informal discussions			
Proposed panel members are (in priority order): 1. 3. 2. <input checked="" type="checkbox"/> No names of potential panel members will be provided.					
When the process is complete, I would like the DPO case file:		<input type="checkbox"/> Non-Public	<input checked="" type="checkbox"/> Public		
(b) (6)				DATE 5/20/17	
SIGNATURE OF CO-SUBMITTER (if any)				DATE	
SCAN THE SIGNED AND DATED FORM (INCLUDE ANY CONTINUATION PAGES OR WORD DOCUMENTS) AND E-MAIL TO: DPOPM.Resource@nrc.gov					
SIGNATURE OF DPO PROGRAM MANAGER <i>Renee Pedersen</i>				DATE 5/23/2017	
<input type="button" value="Delete Continuation Page"/>		<input checked="" type="checkbox"/> DPO accepted	<input type="checkbox"/> DPO returned	<input type="button" value="Add Continuation Page"/>	

**DIFFERING PROFESSIONAL OPINION
(Continued)**

Date Received

My immediate supervisor was not directly involved in the Agency position. Rather, the Agency position, for which I disagree, was provided by a relatively new group within Region III called the Engagement Council made up of managers and non-managers. The position was provided to the Engagement Council through the RIII Idea Cloud that can be found at link:

<http://fusion.nrc.gov/regions/riii/ideas/default.aspx>

The idea was given number 199 for tracking purposes.

In summary, my original idea was to eliminate the addition of paper copies of incoming and outgoing documents to the DNMS File Room as those documents shall have been already entered into ADAMS, NRC's official document retention location. Eliminating addition documents immediately to the file room would provide the following benefits:

- Reduce the amount of room needed to store duplicate paper copies already in ADAMS;
- Reduce time and resources needed to create paper copies of documents to add to file room;
- Reduce time and resources needed to add paper copies to files;
- Reduce time and resources to remove paper copies generated in the future; and
- Save paper generation for those documents received electronically that would be added to the files.

In discussions with the decision makers, the Agency position was that a limited quantity of paper files (material inspection reports) would not be continued to be added to the DNMS File Room and that an AITS would be generated which provided that in 6 months the situation would be re-evaluated. The Agency position for not completely changing the Regional Policy concerning adding paper copies to the DNMS File were:

- Watermark on license documents obscured words when copied into ADAMS and paper copies needed for future review in the Region;
- Materials License Branch Staff used to using paper copies located in file room; and
- Profiling in ADAMS is not accurate.

However as part of the discussion to reduce paperwork in the DNMS File Room, I noted the following were not addressed:

- There is no effort to address the issue that watermarks, either added by NRC, licensee's or other external stakeholders, have on the readability of documents in ADAMS;
- There is no effort to address ADAMS profiling is not accurate which addresses all documents being added to ADAMS; and
- The increased used of telework by DNMS staff (three permanent telework individuals), reduces the effectiveness of maintaining paper copies in the DNMS File Room.

If indeed the two first issues not addressed above is the reason to continue to add paper files, I would suggest that they be addressed immediately as they are far ranging issues that affect files entered into ADAMS outside of Region III.

In addition, it is my understanding that paper copies of incoming and outgoing documents going back up to one year have not been added to the Material Licensee Files. This means that searching for new documents cannot be efficiently done for the documents added in the last year. It is my understanding that a lack of human resources is the reason for the material license files not being updated in a timely manner. The lack of resources to add paper copies to the licensee files is another reason to eliminate adding additional paper copies to the DNMS File Room.

Document 2: Memo Establishing DPO Panel

May 31, 2017

MEMORANDUM TO: John M. Moses, Panel Chairperson
Office of the Chief Information Officer

Linda L. Howell, Panel Member
Region IV

Joseph L. Nick, Panel Member
Region I

THRU: Patricia K. Holahan, Director /RA/
Office of Enforcement

FROM: Renée M. Pedersen /RA/
Sr. Differing Professional Views Program Manager
Office of Enforcement

SUBJECT: AD HOC REVIEW PANEL - DIFFERING PROFESSIONAL
OPINION ON RECORDKEEPING ISSUES IN REGION III
(DPO-2017-005)

In accordance with Management Directive (MD) 10.159, "The NRC Differing Professional Opinion Program;" and in my capacity as the Differing Professional Opinion (DPO) Program Manager; and in coordination with Patricia Holahan, Director, Office of Enforcement; Cynthia Pederson, Regional Administrator, Region III, and the DPO submitter; you are being appointed as members of a DPO Ad Hoc Review Panel (DPO Panel) to review a DPO submitted by an U.S. Nuclear Regulatory Commission (NRC) employee.

The DPO (Enclosure 1) involves the practice of maintaining paper copies of incoming and outgoing documents to the DNMS File Room in Region III. The DPO has been forwarded to Ms. Pederson for consideration and issuance of a DPO Decision.

The DPO Panel has a critical role in the success of the DPO Program. Your responsibilities for conducting the independent review and documenting your conclusions in a report are addressed in the handbook for MD 10.159 in [Section II.F](#) and [Section II.G](#), respectively. The [DPO Web site](#) also includes helpful information, including interactive flow charts, frequently asked questions, and closed DPO cases, including previous DPO Panel reports. We will also be sending you additional information that should help you implement the DPO process.

CONTACTS: Renée Pedersen, OE
(301) 287-9426

Gladys Figueroa-Toledo, OE
(301) 287-9497

Because this process is not routine, we will be meeting and communicating with all parties during the process to ensure that everyone understands the process, goals, and responsibilities. Disposition of these DPOs should be considered an important and time sensitive activity. The timeliness goal for issuing a DPO Decision is 120 calendar days from the day the DPO is accepted for review. In this case, the DPO was accepted for review on May 23, 2017, and therefore, the timeliness goal for issuing this DPO Decision is September 20, 2017.

Process Milestones and Timeliness Goals for these DPOs are included as Enclosure 2. The timeframes for completing process milestones are identified strictly as goals—a way of working towards reaching the DPO timeliness goal of 120 calendar days. The timeliness goal identified for your DPO task is 75 calendar days.

Although timeliness is an important DPO Program objective, the DPO Program also sets out to ensure that issues receive a thorough and independent review. The overall timeliness goal should be based on the significance and complexity of the issues and the priority of other agency work. Therefore, if you determine that your activity will exceed your 75-day timeliness goal, please send an e-mail to Ms. Pederson with a copy to DPOPM.Resource@nrc.gov and include the reason for the extension request and a proposed completion date for your work. Ms. Pederson can then determine if she needs to submit an extension request for a new DPO timeliness goal to the Executive Director for Operations for approval.

An important aspect of our organizational culture includes maintaining an environment that encourages, supports, and respects differing views. As such, you should exercise discretion and treat this matter appropriately. Documents should be distributed on an as-needed basis. In an effort to preserve privacy, minimize the effect on the work unit, and keep the focus on the issues; you should simply refer to the employee as the DPO submitter.

Avoid conversations that could be perceived as “hallway talk” on the issue and refrain from behaviors that could be perceived as retaliatory or chilling to the DPO submitter or that could potentially create a chilled environment for others. It is appropriate for employees to discuss the details of the DPOs with their co-workers as part of the evaluation; however, as with other predecisional processes, employees should not discuss details of the DPOs outside the agency.

If you receive outside inquiries or requests for information, please notify me.

If you observe or hear about inappropriate behaviors that could be harassing conduct or retaliation, please notify me or contact one of the resources listed [Section X, “Reprisal,”](#) of the handbook for the DPO MD.

On an administrative note, please ensure that all DPO-related activities are charged to Activity Code ZG0007.

We appreciate your willingness to serve and your dedication to completing a thorough and objective review of these DPOs. Successful resolution of the issues is important for NRC and its stakeholders. If you have any questions or concerns, please feel free to contact me or Gladys. We look forward to receiving your independent review results and recommendations.

Enclosures:

1. DPO-2017-005
2. Process Milestones and Timeliness Goals

cc: C. Pederson, RIII
D. Roberts, RIII
(b) (6)
S. Flanders, OCIO
M. Shaffer, RIV
J. Trapp, RI
G. Figueroa-Toledo, OE
P. Holahan, OE

SUBJECT: AD HOC REVIEW PANEL - DIFFERING PROFESSIONAL OPINION ON
RECORDKEEPING ISSUES IN REGION III (DPO-2017-005)

DATE: 5/31/2017

Non-Public

ADAMS Package: ML17150A333

MEMO: ML17150A338

Enclosure 1 – ML17143A443

Enclosure 2 – ML17150A343 OE-011

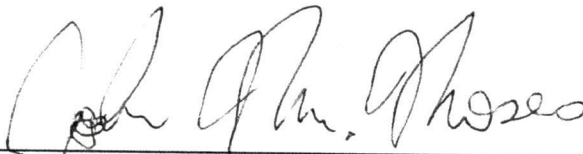
OFFICE	OE: DPO/PM	OE: D
NAME	RPedersen	PHolahan
DATE	5/31/2017	5/31/2017

OFFICIAL RECORD COPY

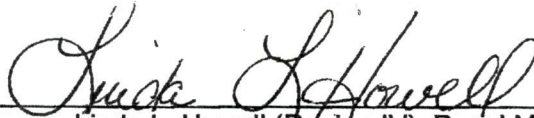
Document 3: DPO Panel Report

**Differing Professional Opinion (DPO)
on Recordkeeping Issues in Region III
(DPO-2017-005)**

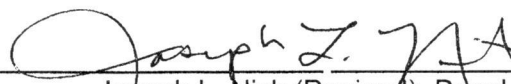
DPO Panel Report



John M. Moses (Office of the Chief Information Officer), Panel Chair



Linda L. Howell (Region IV), Panel Member



Joseph L. Nick (Region I), Panel Member

September 15, 2017

Enclosure

Introduction

On May 20, 2017, a Region III employee submitted a differing professional opinion (DPO) regarding an April 2017 Region III decision to pilot for six months an effort to rely on ADAMS for materials inspection reports while continuing to add paper copies of materials licensing documents to the DNMS File Room, rather than eliminating the additional paper copies of incoming and outgoing documents to the Division of Nuclear Materials Safety (DNMS) File Room. In response, an Ad Hoc Review Panel was established on May 31, comprising John M. Moses, Linda L. Howell, and Joseph L. Nick, to examine the differing professional opinion on recordkeeping issues in Region III. The DPO panel spoke with the DPO Submitter on June 5, 2017, to establish a clear understanding of the concern. Thereafter, DPO panel members conducted a series of interviews with Region III managers and staff to investigate and understand multiple perspectives of the situation. Additionally, the DPO panel convened approximately every 2 weeks to share insights from the interviews, clarify and align on findings and conclusions, and prepare recommendations.

Summary of Issues (SOI)

The DPO submitter expressed concerns regarding the Region III DNMS decision to not fully implement the suggestion to eliminate the addition of paper copies of incoming and outgoing documents to the DNMS File Room. Specifically, the submitter noted that the Council's decision was based on three issues (i.e., concerns about watermarks obscuring words on digitized copies of license documents, profiling in ADAMS is not accurate and makes retrieval of some documents more difficult, and materials license staff are used to relying on paper copies in the Region III file room). However, the submitter noted that no effort was made to address the first two issues and the third issue is undermined by the increasing use of telework, which reduces the effectiveness of maintaining paper copies in Region III since paper documents are not accessible by teleworkers. The submitter acknowledged that some older hardcopy records maintained in the DNMS File Room need to be retained until such time as they can be digitized and entered into ADAMS. This group of documents are "legacy" documents which are needed for reviews related to decommissioning activities.

Evaluation

The issue of whether to solely rely on digital files in ADAMS to carry out the mission of DNMS is split across two camps. Part of the division (licensing) feels that ADAMS is not sufficiently reliable and it would take too much time to digitize older licensing documents to ensure each given licensing docket is complete. Although all current licensing correspondence (both

incoming and outgoing) is entered into ADAMS, the licensing staff believes, for reasons discussed below, that total reliance on ADAMS is, in some instances, ineffective and time consuming. The licensing staff noted that sometimes needed documents cannot be located in ADAMS. In contrast, the inspection staff feels that using ADAMS is preferred and does not see a need to continue to rely on hardcopy to effectively execute their work. The DPO panel recognizes some challenges in relying solely on digital files in ADAMS (e.g., the data is sometimes poor quality and it can be difficult to search at times), but a digital only approach does work and all agencies are required to transition to electronic management of records by the end of calendar year 2019 (M-12-18, “Managing Government Records Directive”). Below is a summary of various factors in shifting to a digital only approach.

- 1) Format of information: Licensee communications are in both paper and electronic formats and the format relates to the issue of watermarks or other markings obscuring words.

The majority of materials licensees use electronic means for communication (e.g., using email to respond to questions). However, many materials licensees submit a license request in paper format. Watermarks, or other markings, put on paper documents by the licensee, NRC, or external stakeholder can impair the readability of paper and digital documents. Increasing the proportion of license documents submitted electronically and focusing on the quality of scanned paper can address this concern.

- 2) Workload: Substantial time needed to digitize legacy documents.

Regional administrative staff spend a significant amount of time putting licensing materials into ADAMS. In addition, a substantial number of older documents have not been digitized and loaded into ADAMS. Staff digitize older documents as they have time to catch up with older records. Therefore, it will take a large amount of time to digitize every entire materials docket, including older paper materials, into ADAMS.

- 3) System usability: ADAMS searchability is a new issue raised during this review.

There are issues with the searchability and retrievability of relevant files in ADAMS. As a result, some licensing staff are reluctant to solely rely on ADAMS. Increased training on the new ADAMS Navigator search capability should reduce staff reluctance to rely on ADAMS.

- 4) Inconsistency of templates and use of terms: Variable templates and variable terms relates to the issue of profiling documents into ADAMS. Inconsistency in templates and use of terms contribute to system usability.

- a. Regions use different kinds of templates to profile and enter information into ADAMS. Currently, there is a working group, Materials Branch Chief Working Group for common work processes, focused on aligning on common templates.
- b. The HQ Document Processing Center (DPC) sometimes changes the terms/wording on profiles that Regional staff enter for digitized ADAMS packages. This impairs Regional staff's ability to find relevant documents in ADAMS. Further, the DPC's reasons for changing terms/words is often opaque to Regional staff.

Conclusion(s)

The DPO Panel concludes that the issue raised (to proceed with a digital only approach, eliminating the addition of paper copies of documents into the DNMS File Room) is valid. However, while the Region III DNMS approach is limited (to phase in a digital only approach for materials inspection reports), it is reasonable.

Recommendation(s)

The DPO panel recommends that Region III continue with its pilot program for up to an additional three months in order to develop lessons learned from the experience that can be shared with other regions and offices. Second, the DPO Panel recommends that at the end of the 3 month Region III pilot extension (January 2018), all Regions and HQ initiate a process to implement uniform ADAMS templates (e.g., templates for profiling materials general correspondence, materials inspection documents, materials licensing documents) as a means to move toward an end-to-end digital management of information, as required by M-12-18, "Managing Government Records Directive". This would involve defining the process, resource needs, change management activities, and timetable to implement. Additional impacted areas needing improvement (e.g., ADAMS data model, ADAMS search interface/retrievability, DPC Standard Operating Procedures, etc.) also should be examined to define and promote the process, resource needs, change management activities, and timetable to move toward the December 31, 2019 goal of end-to-end digital management of information.

Longer term: NRC should consider examining the opportunity to extend these digitization efforts to ensure end-to-end digital management of information to all materials and reactor business lines, as per M-12-18.

Appendices/Enclosures:

M-12-18, “Managing Government Records Directive.” <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>

Document 5: DPO Decision



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

October 5, 2017

MEMORANDUM TO: (b) (6)
Division of Nuclear Materials Safety

FROM: Cynthia D. Pederson, Regional Administrator /RA/

SUBJECT: DIFFERING PROFESSIONAL OPINION REGARDING
RECORDKEEPING ISSUES IN REGION III (DPO-2017-005)

On May 20, 2017, in accordance with Management Directive 10.159, "The Differing Professional Opinion Program", you submitted a differing professional opinion (DPO) regarding an April 2017 Region III decision to pilot for 6 months an effort to rely on ADAMS for materials inspection reports while continuing to add paper copies of materials licensing documents to the DNMS File Room, rather than eliminating the additional paper copies of incoming and outgoing documents to the Division of Nuclear Materials Safety (DNMS) File Room. In a memorandum dated May 31, 2017, from Rene Pedersen, Senior Differing Professional Views Program Manager in the Office of Enforcement, an Ad Hoc Review Panel was established comprised of John M. Moses (Chair), Linda L. Howell, and Joseph L. Nick, to examine your differing professional opinion. The DPO panel spoke with you on June 5, 2017, to establish a clear understanding of the concern. Upon completing its deliberations, the panel provided me their report, dated September 15, 2017, for my consideration in issuing a final decision regarding the DPO. A copy of this report was also provided to you.

Statement of Concerns:

Your concerns related to the Region III DNMS decision to not fully implement the suggestion to eliminate the addition of paper copies of incoming and outgoing documents to the DNMS File Room. Specifically, you noted that the decision was based on three issues (i.e., concerns about watermarks obscuring words on digitized copies of license documents, profiling in ADAMS is not accurate and makes retrieval of some documents more difficult, and materials license staff are used to relying on paper copies in the Region III file room). However, you noted that no effort was made to address the first two issues and the third issue is undermined by the increasing use of telework, which reduces the effectiveness of maintaining paper copies in Region III since paper documents are not accessible by teleworkers. You acknowledged that some older hardcopy records maintained in the DNMS File Room need to be retained until such time as they can be digitized and entered into ADAMS. This group of documents are "legacy" documents which are needed for reviews related to decommissioning activities.

CONTACT: James Trapp, Acting DRA
630-829-9658

DPO Panel Conclusions:

- (1) The DPO Panel concluded that the issue raised (to proceed with a digital only approach, eliminating the addition of paper copies of documents into the DNMS File Room) is valid.
- (2) While the Region III DNMS approach is limited (to phase in a digital only approach for materials inspection reports), it is reasonable.

DPO Panel Recommendations:

The DPO panel recommended that Region III:

- (1) Continue with its pilot program for up to an additional 3 months in order to develop lessons learned from the experience that can be shared with other regions and offices.
- (2) At the end of the 3-month Region III pilot extension (January 2018), all Regions and HQ initiate a process to implement uniform ADAMS templates (e.g., templates for profiling materials general correspondence, materials inspection documents, materials licensing documents) as a means to move toward an end-to-end digital management of information, as required by M-12-18, "Managing Government Records Directive." This would involve defining the process, resource needs, change management activities, and timetable to implement. Additional impacted areas needing improvement (e.g., ADAMS data model, ADAMS search interface/retrievability, DPC Standard Operating Procedures, etc.) also should be examined to define and promote the process, resource needs, change management activities, and timetable to move toward the December 31, 2019 goal of end-to-end digital management of information.

Decision and Supporting Rationale:

After talking with you and other DNMS Staff, and considering all the information, I agree with the Panel's conclusions. As you are aware, Region III has been placing all materials-related documentation into ADAMS since the system was first activated and is the principal information repository for licensing decisions. I believe the continuation of the pilot until January 2018 will allow time to gather additional information to further assess the elimination of redundant paper records for inspection. I believe our current practice of maintaining the parallel paper records for licensing has a minimal impact on FTE. I am tasking DNMS management to compile lessons learned from the pilot and provide me with a plan by June 30, 2018, for consideration of sun setting the maintenance of the convenience copy of paper licensing records by the end of 2019. This plan will also include recommendations for digitizing legacy records. Additionally, I am tasking DNMS management to work with their peers on the ADAMS profiling guidance and templates to improve standardization and accuracy as needed.

Thank you for your active participation in the DPO process. Your willingness to raise concerns with our processes and your willingness to point out potential efficiencies are the types of behavior we at the NRC want to promote. When this case is closed, a summary of your DPO and the associated decision will be included in the Weekly Information Report to advise interested employees of the outcome.

Memorandum to (b) (6) from Cynthia D. Pederson dated October 5, 2017

SUBJECT: DIFFERING PROFESSIONAL OPINION REGARDING
RECORDKEEPING ISSUES IN REGION III (DPO-2017-005)

Distribution:

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R. Pedersen, OE
G. Figueroa Toledo, OE
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J. Nick, RI
J. Giessner, RIII
C. Lipa, RIII
L. Howell, RIV

ADAMS Accession No.: ML17286A240

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NAME	JTrapp:jc	CPederson	
DATE	10/05/17	10/05/17	

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