

**MANUAL**

**NA-1 SD 442.1-1**

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# **NNSA Differing Professional Opinions Manual for Technical Issues Involving Environment, Safety and Health**

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**U.S. DEPARTMENT OF ENERGY  
National Nuclear Security Administration  
Office of the Chief of Defense Nuclear Safety**

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## **NNSA DIFFERING PROFESSIONAL OPINIONS MANUAL FOR TECHNICAL ISSUES INVOLVING ENVIRONMENT, SAFETY AND HEALTH**

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1. PURPOSE. This manual supplements DOE M 442.1-1, *Differing Professional Opinions Manual for Technical Issues Involving Environment, Safety, and Health*, and assigns responsibilities for its implementation within NNSA in support of DOE P 442.1, *Differing Professional Opinions on Technical Issues Related To Environment, Safety, and Health*.
2. CANCELLATIONS. None.
3. APPLICABILITY. This manual applies to NNSA employees and contractors with respect to DPOs on technical issues related to Environment, Safety and Health (ES&H), within the applicability of DOE M 442.1-1 and subject to the exclusions stipulated in DOE M 442.1-1. Issues for which the DPO process is applicable are discussed in both the DPO Policy and Manual (DOE P 442.1 and DOE M 442.1-1). Criteria for screening potential issues include (but are not limited to) those listed in Attachment 2 section 4.a. of DOE M 442.1-1.
4. SUMMARY. NNSA expects its federal managers and contractors to actively foster full evaluation and discussion of technical issues affecting the ES&H of workers and the public. Most professional disagreements on technical matters affecting ES&H will be resolved through this routine technical discourse; however, it is unavoidable that technical personnel will differ on the best approach to address some issues, even after the issues have been thoroughly explored. When agreement can not be reached, it is a recognized function of the responsible line manager to make a decision as to how best to proceed. In such cases, it is usually appropriate to document for the record any dissenting opinions and to proceed once affected parties have assurance that their positions are understood. This is usually the most appropriate course of action even if the decision to proceed is not what the dissenting personnel would have recommended.

In some cases, however, dissenting NNSA or contractor personnel may think that a situation has sufficiently significant ES&H impacts that it is appropriate to raise the issue to a higher level. The Differing Professional Opinion (DPO) process is designed for those cases. Within NNSA, each NNSA Site Office and contractor responsible for NNSA sites or facilities throughout their lifecycle is required to develop and implement a local DPO process. Employees who need to elevate ES&H concerns should first try to resolve their concerns through technical discussions with decision makers. If unable to resolve concerns at that level, the best approach is generally to try to resolve the concern through the local Site Office or contractor DPO process.

NNSA Headquarters also has established a DPO process, as documented in this manual. The use of the Headquarters DPO process is appropriate for Headquarters personnel, but also for NNSA and NNSA contractor employees at Site Offices in situations where the Site Office process might not be appropriate. It is also available to other Site Office and

contractor personnel who think that ES&H concerns have not been adequately addressed at the Site Office level, even after application of the Site Office or contractor DPO process.

It is NNSA policy to encourage the use of the differing professional opinions process where appropriate. No NNSA manager shall discourage or in any way retaliate against an individual for taking advantage of this channel to actively put forth alternate technical opinions. Where individuals believe that a technical decision is unsound and unsafe, they have an affirmative obligation to take advantage of this channel to ensure a thorough review.

5. DEFINITIONS. All terms used in this document are consistent with their usage in DOE M 442.1-1.
6. REFERENCES.
  - a. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.
  - b. DOE M 442.1-1, Differing Professional Opinions Manual for Technical Issues Involving Environment, Safety, and Health.
  - c. DOE P 442.1, Differing Professional Opinions on Technical Issues Related To Environment, Safety, and Health.
7. CONTACT. Questions concerning this Manual should be addressed to the Office of the Chief of Defense Nuclear Safety, at 202-586-8216.



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## I. REQUIREMENTS, ROLES AND RESPONSIBILITIES

### 1. REQUIREMENTS.

- a. The process followed by NNSA headquarters for addressing DPOs must comply with DOE M 442.1-1 as supplemented by this manual.
- b. Each NNSA Site Office must establish a DPO process that is consistent with DOE M 442.1-1 and this manual for use by NNSA and contractor personnel under their authority.
- c. Contracts for all life cycle stages of NNSA sites or facilities must include the Contractor Requirements Document of DOE M 442.1-1.
- d. NNSA employees who desire to elevate an issue through the DPO process must be given reasonable opportunity to do so.
- e. NNSA management personnel at all levels must reinforce the principle that issues affecting ES&H can be raised and discussed without fear of retaliation.

### 2. RESPONSIBILITIES: DOE M 442.1-1 assigns process responsibilities and prescribes time limits for executing functions of the DPO process. These responsibilities apply unaltered to NNSA personnel executing the DPO process. However, approval of this manual delegates some of the responsibilities for implementation in NNSA. The timeline provided for in DOE M 442.1-1 is shortened in this NNSA implementation through predefinition and delegation of responsibilities as outlined in this section and discussed in Chapter II of this manual.

#### a. NNSA Central Technical Authority.

Serves as the Final Decision Manager (as defined in DOE M 442.1-1) for nuclear safety issues or designates an appropriate manager to act on his behalf.

#### b. NNSA Deputy Administrator for Defense Programs.

Serves as the Final Decision Manager for non-nuclear safety issues or designates an appropriate manager to act on his behalf.

#### c. NNSA Site Office Managers.

- (1) Ensure that the Contractor Requirements Document of DOE M 442.1-1 is included in contracts for all life cycle stages of NNSA sites or facilities.
- (2) Establish a DPO process that is consistent with DOE M 442.1-1 and this manual for use by NNSA and contractor personnel under their authority.

- d. Chief of Defense Nuclear Safety:
- (1) Serves as the NNSA Differing Professional Opinion Manager (DPOM) for nuclear safety matters (with exception in d.(7) of this section).
  - (2) For DPOs related to nuclear safety issues (with exception in d.(7) of this section):
    - (a) Informs the Final Decision Manager that a DPO has been submitted and of associated schedules for its review.
    - (b) Convenes and manages the Ad Hoc panel to review the DPO.
    - (c) Informs the Line Manager responsible for any decision affected by a DPO when a DPO is received, and requests supporting information for the chosen course of action.
    - (d) Distributes the results of the DPO process to NNSA stakeholders.
    - (e) Briefs the Final Decision Manager on the conclusion of the Ad Hoc panel.
  - (3) Provides annual notice to all NNSA employees of the availability of the process and encourage its use where appropriate (this is a delegated responsibility from the NNSA Central Technical Authority and the Administrator).
  - (4) Maintains and updates this directive.
  - (5) Maintains a file of all NNSA headquarters DPOs for 75 years from the date of submittal.
  - (6) Biennially submits NNSA DPOs and related information to the Office of Independent Oversight in the Office of Health, Safety and Security, as required by DOE M 442.1-1 section 5.g.(10).
  - (7) In cases where the evolution of the differing opinion has involved significant interactions with CDNS and or the ES&H Senior Advisor and or their staff members, the DPO Manager roles switch. In such cases, the ES&H Senior Advisor would serve as the DPO Manager even though an issue involved a nuclear safety issue, or the CDNS would serve as the DPO Manager even if the issue did not affect nuclear safety.
- e. Environment, Safety, and Health Senior Advisor:
- (1) Serves as the NNSA DPOM for non-nuclear safety matters (with exception in e.(4) of this section).

- (2) For DPOs related to non-nuclear safety matters (with exception in e.(4) of this section):
  - (a) Informs the Final Decision Manager that a DPO has been submitted.
  - (b) Convenes and manages the Ad Hoc panel to review the DPO.
  - (c) Informs the Line Manager responsible for any decision affected by a DPO when a DPO is received, and request supporting information for the chosen course of action.
  - (d) Distributes the results of the DPO process to NNSA stakeholders.
  - (e) Briefs the Final Decision Manager on the conclusions of the Ad Hoc panel.
  - (f) Provides record copies of DPO packages to the Chief of Defense Nuclear Safety for consolidated storage of NNSA DPO records.
- (3) Supports Chief of Defense Nuclear Safety in preparing biennial submittals of NNSA DPOs and related information to the Office of Independent Oversight in the Office of Health, Safety and Security, as required by DOE M 442.1-1 section 5.g.(10).
- (4) In cases where the evolution of the differing opinion has involved significant interactions with CDNS and or the ES&H Senior Advisor and or their staff members, the DPO Manager roles switch. In such cases, the ES&H Senior Advisor would serve as the DPO Manager even though an issue involved a nuclear safety issue, or the CDNS would serve as the DPO Manager even if the issue did not affect nuclear safety.

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## II. SUPPLEMENTAL PROCESS INFORMATION

1. The NNSA Headquarters DPO process follows the process steps provided in DOE M 442.1-1. This chapter provides details of the implementation within NNSA headquarters that have been defined to streamline process application to NNSA.
2. Upon accepting a DPO for review, the DPOM provides a copy of the DPO to the NNSA line manager who is responsible for any affected decision. Note that the DPOM must screen the submission to ensure that it meets the criteria for the DPO Process. The screening and acceptance process, as well as screening criteria, are discussed in Attachment 2 of DOE M 442.1-1.
3. The DPOM will request the NNSA line manager who is responsible for an affected decision to develop and submit the basis for his or her position on the issue. The line manager should follow the same format as suggested for the DPO submitter in DOE M 442.1-1, but written to support the line manager's position (for example, the question listed as item 2.c. in Attachment 2 of DOE M 442.1-1 should address what could happen if the DPO submitter's position was adopted).
4. For nuclear safety matters, the Chief of Defense Nuclear Safety (NA 2.1) serves as the DPOM, and upon receipt of DPO informs the Central Technical Authority of the issues involved and the schedule for their resolution.
5. For non-nuclear safety matters, the Environment, Safety, and Health Senior Advisor (NA 3.6) serves as the DPOM, and upon receipt of DPO informs the Deputy Administrator for Defense Programs of the issues involved and the schedule for their resolution.
6. In those instances when a DPO concerns a crosscutting issue (such as fire safety, emergency response, etc.) the NNSA CDNS and Environment, Safety, and Health Senior Advisor will consult and agree on the appropriate DPOM and path forward.
7. In cases where the evolution of the differing opinion has involved significant interactions with CDNS and or the ES&H Senior Advisor and or their staff members, the DPO Manager roles switch. In such cases, the ES&H Senior Advisor would serve as the DPO Manager even though an issue involved a nuclear safety issue, or the CDNS would serve as the DPO Manager even if the issue did not affect nuclear safety.
8. The NNSA Central Technical Authority or designee serves as the Final Decision Manager for issues related to Nuclear Safety.
9. The NNSA Deputy Administrator for Defense Programs or designee serves as the Final Decision Manager for issues other than Nuclear Safety.
10. The DPOM convenes and manages the Ad Hoc panel on behalf of the Final Decision Manager, and reports its conclusions to the Final Decision Manager, who makes a Final Decision to resolve the issue. The panel membership will include at least one member

with qualifications that meet the applicable DOE Functional Area Qualification Standard for expertise directly related to the issue in dispute, where an applicable qualification standard exists.

11. The DPOM distributes Final Decisions to NNSA stakeholders as appropriate, including the DPO submitter, the line manager responsible for affected decisions, Ad Hoc Panel members, Site Office Managers, NA-10, the CTA and/or NA-1.
12. In addition to appeals by the submitter, line managers responsible for positions being disputed may appeal the decision of the Final Decision Manager.
13. NNSA Line Managers are expected to comply with Final Decisions unless appealed to the NNSA Administrator.
14. A simplified process flow of the NNSA process is provided on the following page. The timeline for the DPO review process in the NNSA simplification is shorter than that in DOE M 442.1-1 due to pre-delegation of review responsibilities within NNSA. Extensions to the schedule may be requested per instructions included in DOE M 442.1-1 if unanticipated complications dictate a need for additional time; however, every effort should be made to address issues in a timely manner.

**SIMPLIFIED STEPS OF THE DPO PROCESS**

<b>RESPONSIBLE PARTY</b>	<b>ACTION</b>	<b>TIME FRAME</b>
DPO Submitter	Submit proposed DPO to DPO Manager (DPOM).	As needed
DPOM (NA 2.1 or NA 3.6)	Perform acceptance review, notify affected Line Manager and the Final Decision Manager. Appoint Ad Hoc Panel and designate chair.	Within 10 working days
Ad Hoc Panel	Review DPO and provide recommendations in a report to the Final Decision Manager.	Within 30 calendar days (unless extension is approved)
Final Decision Manager	Review Ad Hoc Panel Report and make decision.	Within 10 working days
DPOM	Transmit Final Decision to all stakeholders	Upon receipt

**SIMPLIFIED STEPS OF A DPO APPEAL**

<b>RESPONSIBLE PARTY</b>	<b>ACTION</b>	<b>TIME FRAME</b>
DPO Submitter or Affected Line Manager (person appealing decision)	Contact DPOM to request a meeting and discussion with the assigned Final Decision Manager.	Within 5 days after receiving the DPO Final Decision.
Assigned Final Decision Manager	Meet with DPO submitter and discuss the Final Decision.	Within 10 working days of the DPOM receiving the request for a meeting.
Person appealing decision	Send a letter to the Administrator	Within 21 working days after the Final Decision.
Administrator	Review DPO and supporting information and issue Appeal Decision.	Within 60 calendar days after receipt of the appeal.

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