



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

January 13, 2005

MEMORANDUM TO: Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

FROM: Renée M. Pedersen, Acting Differing Professional /RA/
Opinions Program Manager
Office of Enforcement

SUBJECT: DIFFERING PROFESSIONAL OPINION INVOLVING FORCE-ON-
FORCE EVALUATION CRITERIA (DPO-2005-001)

The purpose of this memorandum is to advise you of a Differing Professional Opinion (DPO) that was submitted to me on January 6, 2005.

The DPO (Attachment 1) raises concerns about the agency's current Win/Lose evaluation criteria used to evaluate force-on-force (FOF) exercises.

I received the DPO on January 6, 2005, and screened it in accordance with the guidance included in Management Directive (MD) 10.159, "The NRC Differing Professional Opinions Program" (Attachment 2). I have concluded that the preconditions for acceptance have been met and have accepted this issue as DPO-2005-001 within the DPO Program.

In accordance with section (D)(3)(c) of the MD Handbook, I am forwarding this DPO to you for appropriate action. In particular, you are responsible (generally within 8 days of this memorandum) for appointing members of an ad hoc panel to review the issue and make recommendations to you regarding the disposition of the issues presented in the DPO. Section (D)(4) of the MD Handbook outlines the duties and responsibilities associated with the panel and MD 10.159-036 addresses your responsibilities as an Office Director.

Please note that all correspondence associated with this case should include the DPO number in the subject line and should NOT be placed in ADAMS until the case is closed. All documents associated with this case will be forwarded to the DPOPM when the case is closed and will be processed in ADAMS accordingly.

Because we are in the process of developing additional implementing procedures and are considering changes to the Program, not all guidance may be in the MD. Therefore, I will be meeting and communicating with all parties frequently during the process to ensure everyone understands the process, goals, and responsibilities.

Finally, although this individual has not filed his DPO confidentially, all steps should be taken to treat the individual as if he had. In other words, the person's name should not be used in discussions (the person may be referred to as the "DPO submitter"), documents should be

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distributed on an as-need basis, and managers and staff should be counseled against “hallway talk” on the issue.

If you have any questions, please feel free to contact me at (301) 415-2741 or email DPOPM@nrc.gov.

Attachments: As stated

cc: E. Merschoff, DEDR
W. Dean, AO
F. Congel, OE

Distribution:

C. Mohrwinkel, OE

DPO Day File

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FILE NAME: G:\DPO Program\DPO-2005-001\DPO Tasking Memo to NSIR OD.wpd

OFFICE	OE	OE
NAME	R. Pedersen	F. Congel
DATE	1/13/05	1/13/05

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