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UNITED STATES
NUCLEAR WASTE TECHNICAL REVIEW BOARD
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Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTENTION: DOCKETING AND SERVICES BRANCH

Dear Sir:

On behalf of the Nuclear Waste Technical Review Board, I am pleased to submit the following comments on the comprehensive draft Branch Technical Position on the Use of Expert Elicitation in the High-Level Waste Program (BTP).

The Board has had a long-standing interest in the use of formal expert judgment by the Department of Energy (DOE) as it characterizes the potential repository site at Yucca Mountain and moves toward a possible application to construct a permanent underground repository there. The Board has addressed the need for the DOE to develop sound elicitation methodologies, to involve outside experts in any formal elicitation conducted, and to resolve possible conflicts with the Nuclear Regulatory Commission (NRC) well before the submission of any license application.

The BTP lays out in a thoughtful and well-argued manner the key issues involved in carrying out a successful and reliable formal elicitation. For the most part, the BTP has incorporated the best current thinking of decision analysts who have examined this area as well as appropriate lessons from previous NRC experience. The BTP correctly recognizes that the DOE ultimately bears the burden of convincing a licensing board, and probably others as well, that its use of expert judgment on a particular issue has properly characterized the relevant uncertainties and that their magnitude is, in fact, acceptable.

There are, however, some areas and issues where the Board feels greater specificity in the BTP might be helpful.

- Based on its own analyses, does the NRC believe that there are technical issues that are so critical to demonstrating the safety of a repository system that their resolution should be based almost exclusively on primary data, minimizing the reliance on expert judgment? If so, what are they?

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- Has the NRC staff developed views or guidance as to when "it is infeasible or impossible to collect data" and what types of management challenges would support a determination that "data collection [has] become prohibitively" expensive? (p. 24)

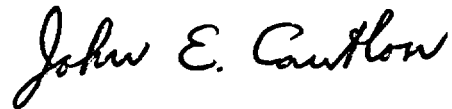
- Are there any circumstances where the NRC staff might *not* accept the results of a DOE elicitation that was conducted in accordance with the process outlined in the BTP? If so, what are they?

- Can some guidance be offered to the DOE on the conditions and circumstances that justify departure from equal weighting of experts' judgments?

The NRC might wish at some point to explore with the DOE the related question of how biases of experts might be minimized when their judgment is rendered informally, although such an effort could be outside of the scope of the BTP.

The Board believes that the BTP clarifies a number of important issues. We appreciate this opportunity to comment on the draft, and we look forward to future exchanges with the NRC on this issue.

Sincerely,



John E. Cantlon
Chairman