



UNITED STATES
NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20555-0001

August 22, 1995

Mr. Robert R. Loux, Executive Director
 Agency for Nuclear Projects/Nuclear Waste
 Project Office
 State of Nevada
 Capitol Complex
 Carson City, Nevada 89710

**SUBJECT: STATE OF NEVADA COMMENTS ON U.S. DEPARTMENT OF ENERGY
 ACTIVITIES RELATED TO THE USE OF EXPERT ELICITATION
 IN THE HIGH-LEVEL WASTE PROGRAM**

Dear Mr. Loux:

I am responding to your July 25, 1995, letter commenting on the U.S. Department of Energy's (DOE's) proposed resolution of Site Characterization Analysis (SCA) Comment No. 3, including its May 1995 "Principles and Guidelines for [the] Formal Use of Expert Judgment by the Yucca Mountain Site Characterization Project."

As indicated in Dr. John Austin's July 21, 1995, letter to Ronald Milner of the U.S. Department of Energy (a copy of which was provided to you), the Nuclear Regulatory Commission staff intends to defer formal comment on both DOE's "Principles and Guidelines" document and DOE's recommended resolution of SCA Comment No. 3 until after a proposed NRC/DOE technical exchange on expert elicitation later this year. As with all technical exchanges, the State of Nevada and Affected-Units-of-Local Government will be notified of the technical exchange, and we encourage the State to present its views on DOE's proposals at that time. We thank the State for its timely review comments to which the staff will give careful consideration as it prepares for the forthcoming technical exchange.

In addition to commenting on DOE's "Principles and Guidelines" document and DOE's recommended resolution of SCA Comment No. 3, your letter also contained some review comments on a recent NRC contractor report entitled "Background Report on the Use and Elicitation of Expert Judgement." We wish to note that this and all other contractor reports represent the views of our contractor, the Center for Nuclear Waste Regulatory Analyses, and do not, necessarily, reflect the views or regulatory positions of the NRC staff.

Finally, regarding your request for information on the process and timing for issuing guidance in the area of expert elicitation, the staff plans to issue a draft Staff Technical Position (STP) for a 90-day public comment period sometime this Fall. The staff will analyze the public comments received and should be prepared to issue a final STP sometime in the Spring of 1996.

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R. Loux

If you have any additional questions on this subject, please contact Dr. Janet. P Kotra. She can be reached at 301 415-6674.

Sincerely,

Original Signed By
Joseph J. Holonich, Chief
High-Level Waste and Uranium Recovery
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: See attached list

TICKET: D-318

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