



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 12, 1998

Dr. Stephan J. Brocoum
Assistant Manager for Licensing
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 30307
Las Vegas, Nevada 89036-0307

SUBJECT: U.S. DEPARTMENT OF ENERGY PROPOSALS TO IMPLEMENT APPENDIX E
TO NUREG-1563 – RESOLUTION OF SITE CHARACTERIZATION ANALYSIS
COMMENT 3

Dear Dr. Brocoum:

In Appendix E to NUREG-1563 (the final "Branch Technical Position on the Use of Expert Elicitation in the High-Level Radioactive Waste Management Program" – dated November 1996), the U.S. Nuclear Regulatory Commission staff described a possible path to resolution of NRC's Site Characterization Analysis (SCA) Comment 3. SCA Comment 3 concerned the U.S. Department of Energy's (DOE's) use of expert judgment in the site characterization program for Yucca Mountain, Nevada. In a letter dated August 6, 1997, DOE stated that it agreed with the staff's Appendix E recommendations (see Austin to Milner letter dated December 31, 1996) and described its proposed approach to carrying them out. The staff has reviewed DOE's proposals and attendant follow-up actions, described in Enclosure 1 of the August 1997 letter, and they seem reasonable. Accordingly, SCA Comment 3 can now be considered closed, at the staff level, consistent with the jointly-held DOE/NRC understanding of issue resolution. The staff intends to track DOE's implementation of the Enclosure 1 follow-up actions as part of its pre-licensing review of the Department's high-level waste (HLW) programs.

In a second enclosure to the August 1997 letter, DOE responded to the staff's initial observations regarding DOE's implementation of NUREG-1563 (Austin to Milner letter dated December 26, 1996) and possible approaches to the documentation of potential conflicts of interest (COI – Austin to Milner letter dated January 7, 1997). DOE's response to the staff's initial implementation observations regarding the use of the Technical Facilitator/Integrator (TFI) and the need for documentation of changes to initial elicitation states that it believes its procedures are adequate. However, transparency in DOE decision-making continues to be an area of major interest to the staff and thus is the motivation behind the staff's comments on these matters. In its August 1997 letter, DOE has provided the staff with the necessary assurances that its elicitation process will be transparent. Accordingly, the staff will continue to monitor DOE's implementation of the guidance as part of its interactions. Through the course of these interactions, should the staff need to restate its concerns, the staff will notify DOE accordingly. Regarding DOE's proposed plans for documenting COI, the staff agrees with the proposed approach and intends to track its implementation as part of its pre-licensing review of the Department's HLW programs.

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Dr. S.J. Brocoum

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In closing, no response to this letter is necessary. If you have any questions regarding this correspondence, please contact Michael P. Lee or Christiana H. Lui. They can be reached, respectively, at 301/415-6677 and 301/415-6200.

Sincerely,

[Original signed by:]
Michael J. Bell, Acting Chief
Performance Assessment and High-Level
Waste Integration Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: See next page

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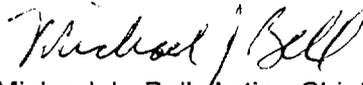
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Dr. S.J. Brocoum

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Sincerely,



Michael J. Bell, Acting Chief
Performance Assessment and High-Level
Waste Integration Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: See next page

Letter to S. Brocoum from M. Bell dated: February 12, 1998

cc: R. Milner, OCRWM
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J. Meder, Nevada Legislative Counsel Bureau
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