

March 19, 2007

Dr. Michael Ryan, Chairman
Advisory Committee on Nuclear Waste
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: ADVISORY COMMITTEE ON NUCLEAR WASTE DRAFT WHITE PAPER ON
IGNEOUS ACTIVITY AT YUCCA MOUNTAIN

Dear Dr. Ryan:

The Advisory Committee on Nuclear Waste (ACNW) is preparing a White Paper summarizing the current state of knowledge on potential igneous activity at the potential high-level waste repository at Yucca Mountain, Nevada, in response to a request from the Commission. A draft version of the White Paper was released on December 29, 2006. ACNW provided an opportunity for discussion of the draft White Paper at its meeting on February 13-14, 2007, by invited subject matter experts and representatives from the U.S. Nuclear Regulatory Commission (NRC) staff, U.S. Department of Energy Office of Civilian Radioactive Waste Management, the Electric Power Research Institute, and Clark County, Nevada.

The ACNW has requested comments on the draft White Paper. NRC staff members provided some comments in presentations at the February meeting, including slides from Jack R. Davis and John S. Trapp (ML070380434), and Brittain E. Hill (ML070510050), available in the Agencywide Documents Access and Management System. Additional comments, provided in the enclosure to this letter, are grouped into four areas of concerns: (1) misunderstanding or misapplication of staff information regarding Part 63 analysis; (2) incomplete regulatory context for staff technical investigations; (3) incomplete presentation of NRC information in areas identified as NRC staff positions or views; and (4) absence of risk insights to evaluate significance of ACNW assessments. The comments and examples discussed in the enclosure are intended as examples only, and do not represent a comprehensive review of the draft White Paper.

M. Ryan

- 2 -

In closing, NRC staff is available to provide the Committee additional briefings on potential igneous activity at Yucca Mountain.

Sincerely,

/RA/

Jack R. Davis, Deputy Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:

NRC Staff Perspectives on the ACNW
Draft White Paper on Igneous Activity at
Yucca Mountain

cc: See attached list.

Letter to M. Ryan from J. Davis dated: March 19, 2007

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	R. Murray, DOE/OCRWM
G. McCorkell, Esmeralda County, NV	G. Runkle, DOE/Washington, D.C.
R. Damele, Eureka County, NV	S. Bokhari, DOE/RW
L. Marshall, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	D. Curran, Harmon, Curran, Spielberg & Eisenberg, L.L.P.
S. Schubert, Sen. Reid's Office	R. Dyer, DOE/OCRWM
M. Yarbrow, Lander County, NV	J. Espinoza, GAO
J. Donnell, DOE/OCRWM	A. Gil, DOE/OCRWM
M. Baughman, Lincoln County, NV	W. Boyle, DOE/OCRWM
L. Mathias, Mineral County, NV	M. Ulshafer, DOE/OCRWM
J. Saldarini, BSC	S.A. Wade, DOE/OCRWM
M. Henderson, Cong. J. Gibbon's Office	C. Hanlon, DOE/OCRWM
D. Swanson, Nye County, NV	T. Gunter, DOE/OCRWM
M. Simon, White Pine County, NV	A. Benson, DOE/OCRWM
E. Sproat, DOE/OCRWM	N. Hunemuller, DOE/OCRWM
D. Cornwall, NV Congressional Delegation	P. Harrington, OPM&E
T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Sen. Reid's Office	S. Cereghino, BSC
M. Murphy, Nye County, NV	B. Gattoni, Burns & Roe
R. Lambe, NV Congressional Delegation	E. Mueller, Esmeralda County, NV
K. Kirkeby, NV Congressional Delegation	J. Gervers, Clark County, NV
R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	J. Raleigh, SNL
S. Lynch, State of NV	J. Kennedy, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	B. Durham, Timbisha Shoshone Tribe
R. Clark, EPA	R. Arnold, Pahrump Paiute Tribe
R. Anderson, NEI	J. Birchim, Yomba Shoshone Tribe

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

K. Skipper, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacoeh, Big Pine Paiute Tribe of the Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

D. Feehan, GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finfrock, NV Congressional Delegation

P. Johnson, Citizen Alert

M. Williams, DOE/OCRWM

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Plaster, City of Las Vegas

S. Rayborn, Sen. Reid's Office

L. Lehman, T-REG, Inc.

B.J. Garrick, NWTRB

T. Feigenbaum, BSC

M. Urie, DOE

J. Brandt, Lander County

R. Holland, Inyo County

B. Sagar, CNWRA

V. Trebules, RW/DOE

R. Warther, DOE/OCRWM

Connie Simkins, Lincoln County

S.A. Orrell, SNL

R. Holden, NCAI

C. Meyers, Moapa Paiute Indian Tribe

C. Dahlberg, Fort Independence Indian Tribe

D. Vega, Bishop Paiute Indian Tribe

Egan, Fitzpatrick, Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

M. Boyd, Public Citizen

J. Wells, Western Shoshone National Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National Council

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

P. Golan, DOE

M. Rice, Lincoln County, NV

G. Hellstrom, DOE

S. Joya, Sen. Ensign's Office

M. Gaffney, Inyo County

L. Desell, RW/DOE

P. Nair, SNL

B. Neuman, Carter Ledyard & Milburn L.L.P.

E. Bonano, SNL

M. Ryan

- 2 -

In closing, NRC staff is available to provide the Committee additional briefings on potential igneous activity at Yucca Mountain.

Sincerely,

/RA/

Jack R. Davis, Deputy Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:

NRC Staff Perspectives on the ACNW
Draft White Paper on Igneous Activity at
Yucca Mountain

cc: See attached list.

DISTRIBUTION:

HLWRS r/f	ACNW	VMehrhoff	CNWRA	LChandler	MYoung	RIrish
JMoore	MZobler	TCombs	BSpitzberg	WMaier	DMcIntyre	AMauer
HLWRS Staff						

ML070600791

OFFICE	HLWRS	HLWRS	Tech ED	HLWRS	HLWRS
NAME	JRubenstone	JTrapp	EKraus	SRohrer	JGuttman
DATE	3/5/07	2/22/07	3/7/07	3/6/07	3/5/07
OFFICE	HLWRS	HLWRS	OGC	HLWRS	
NAME	BHill	TMcCartin	MYoung	JDavis	
DATE	3/6/07	3/7/07	3/19/07	3/19/07	

OFFICIAL RECORD COPY